

BROOMTAIL BASIN

by

BRETT AUSTIN

*Author of "Guns of Montana,"
"Lobo Valley," etc.*

Judge Lemanuel Bates, Cowtrail jurist, had agreed to sit on the bench in Broomtail Basin, where Judge "Hoss" Mackenzie was ill and unable to serve. Bates' side-kick, postmaster Tobacco Jones, came along for the ride and the fishing. But, as usually happened, neither pard had a particularly restful sojourn in the new country.

The night they arrived there, the moonlit quiet was split by a dynamite explosion, and Bates and Jones sighted the horsemen who had set the charge streaking hell-for-leather across the greasewood and sagebrush. The Great Western reservoir had been blown up, and it didn't take a man trained in the law as Bates was to figure the culprits were cowboys who didn't want tracks run in on the range.

It was somewhat tougher, though, to throw a brand on the hombres' identity.

Another salty yarn by a popular author who always hits the entertainment bull's-eye dead center.

BROOMTAIL BASIN



Broomtail Basin

By

BRETT AUSTIN



ARCADIA HOUSE



Copyright 1952 by Arcadia House

CAT

Q

J. & K. UNIVERSITY LIB.
Acc. No ... 58969
Date 15:3:66

S 1702 F
Ausb B

M/1
ST 01
may



Printed in the United States of America

BROOMTAIL BASIN

CHAPTER 1

Horses were running somewhere in the moonlight. And the measured rhythm of their hoofs against the parched Wyoming soil told Judge Lemanuel Bates that riders bestrode them.

For a range cayuse, running without a rider, does not seek a measured stride.

"Riders, to the north."

"Swingin' wide of us," Tobacco Jones stated.

The heavy-set jurist stood on stirrups, right hand braced on the surface of his whiskey-jug strapped to his kak's fork. Stretched like this, he could see over the tall sagebrush. Moonlight slanted in to glisten on the hammered-silver buckle that laced together the tie-thongs of his Stetson.

Tobacco Jones had also risen against his oxbows.

"Yonder they head, Bates." The postmaster jabbed a finger northeast. "Three of 'em, ain't they?"

"Four."

"Blast my buttons! You always argue with me. I still say *three* riders!"

The horsemen swept across the floor of Broomtail Basin, riding through the tall sagebrush, hitting across alkali flats marked by grotesque greasewood. They were about two hundred yards away.

They had come out of the moonlight-dappled hills that flanked the northern rim of Broomtail Basin. They seemed intent on putting plenty of sod between themselves and those northern hills.

One rider pulled ahead, a dark shadow separating from the darker bulk, and suddenly the riders broke apart, disappearing into the moonlight and the distance. The pound of their hoofs ran out and died.

Tobacco grunted. "You're right again, Bates. Four riders. An' did you mind how they fanned out like mebbe they aimed to break up an' ditch any pursuit?"

"I don't savvy this, Tobacco. Must be close to midnight, too."

A sudden roar jerked their gazes north. From the foothills flame lashed upward, ripping apart the still moonlight. The ground trembled under their broncs' hoofs. The flame lanced upward—a quick, ripping red—and then died.

"Dynamite," Judge Bates said.

Tobacco Jones' mule had reared. The postmaster put the beast's hoofs again on sod. "Them riders has set that powder. Used a long fuse an' got to Hades outa the country before the powder worked. Now who would blow up a hill?"

"Seems to me I saw lumber in that flame."

Tobacco speared a look at his companion. "Seems to me I saw the same. That means a cabin went up, huh?"

Judge Bates figured that if they'd wanted to blow up a cabin, they'd never have used so much powder. "Let's ride over and take a look, partner. It isn't more than a half-mile off, I'd say."

But Tobacco Jones did not consent. He pointed out that they had ridden into Broomtail Basin so that Judge Bates could sit on the bench of Judge Hostetler Mackenzie, who was injured and in bed. They had not come in to find out who had dynamited what, and why.

"Had I figgered you'd gone huntin' trouble, Bates I'd've stayed home an' minded my post office. I come along with you to get in some fishin' an' to see some new country."

The postmaster's argument held logic, the jurist conceded. They turned their mules east again in the general direction of Wild Horse Town, the county seat of Broomtail County. That noon they had left

the railroad town of Diamond Willow and had intended to bed down at a ranch when night came. But they had not run across a ranch, so they had kept on riding.

"Wild Horse must be about fifteen miles yet," the judge said. "According to what that shepherd told us back in the hills, we'd hit a road along now. All we have to do is follow it into Wild Horse, he said."

Tobacco bit off a chew. "Shepherders are crazy, an' you know it. Otherwise, if'n they weren't loco, they'd never herd sheep." This logic dispensed—along with a brown squirt of tobacco-juice—the postmaster settled deep between horn and cantle, fitting his lanky body to the sway and walk of his mule.

A quarter mile further, they found the wagon-trail. It lay under the moonlight, dusty and pale, twisting like a tired snake through the sagebrush and greasewood. Cattle were bedded down around springs and waterholes marked by boxelders and chokecherry trees.

"I still wonder about that powder—" Judge Bates pulled in his mule. "Are my ears right, friend? Seems as if I hear riders."

Tobacco had also pulled rein. "I hear them. Comin' this way—yonder, they hit the road, headin' this direction."

Judge Bates counted six riders. He frowned, for he was puzzled; he was also sure this was a new bunch of riders. It had to be, for the other four he had seen would by this time be far across the basin.

"They're over there!" a man hollered.

The six riders, looking like puppets pulled by one string, swerved and converged down on them. A rifle-ball whistled over the pair's heads.

"Hold fire, you blamed idiots!" Judge Bates' voice held anger.

"Stay where you are," a man rasped. "We got our rifles on you men."

They had slowed to a walk. Now about a hundred yards away, they came up cautiously, spreading out as they approached. Judge Bates, his first anger gone, watched in puzzlement.

"I don't savvy it," Tobacco grumbled. "But them buttons better watch their rifle fire or they will get in trouble."

Now Judge Bates could see the six riders clearly. They were astride work-horses, some bearing collar-marks, and four were bareback. Each man carried a rifle and each had a pistol at his hip. And each rifle was on himself and his partner.

"Who threw that shot at us?" Judge Bates asked.

"I did!" The man was rawboned, and wore overalls and a faded shirt. "No man's blowin' up the

Great Western reservoir and' ridin free!"

Judge Bates glanced at Tobacco. The postmaster scowled and spat. The riders halted, still fanned-out, holding rifles.

"We heard the explosion," the judge said, "but we didn't blow up this reservoir, or whatever was blown up."

"We figger you did. You two look like cowmen. An' the cowboys don't want Great Western to run tracks in here."

Tobacco chewed. "I don't get the run of this," he finally said.

The judge was in a similar quandary. Only one thing was certain—these men meant business. He wasn't armed and neither was Tobacco.

Patiently he pointed out this fact. He admitted hearing the explosion and that he and his partner had seen four riders heading across Broomtail Basin. Those riders had been so far away and riding so fast they had not made out their faces. And, of course, they were strangers here.

"What's your handles? The rawboned man snapped the words.

"I'm Judge Lemanuel Bates, and this man is Tobacco Jones."

The rawboned man studied them.

"I've heard of Judge Bates," a man said. "But

this ain't him. I heard tell he was a long shoebutton, an' this runt is short an' heavy-set."

"Lots of gents travel under a 'judge' handle," the rawboned man claimed. "I knowed a gent onct they called Judge Lonnigan, an' he weren't no judge. What you got in that jug, fella?"

"Hard liquor."

"That settles it," the man stated. "A real judge wouldn't drink. We still figure you two was in on that dynamitin'."

The judge pointed out that that assumption was illogical. If he and Tobacco had helped put the dynamite, would they ride so slowly? And wouldn't they put up a fight when cornered?

"He's right," a rider conceded.

But the rawboned man was tenacious. "You two is ridin' mules. Mules can't run as fast as hosses. You might've figgered we'd catch you if'n you tried to escape—seein' our hosses, even if plow-hosses—can outrun a mule. These cowmen are hirin' some purty slick characters. I figger you saw you couldn't get away, so you stowed your weapons into your saddle-bags an' decided to play dumb."

"You possess a sterling imagination, sir."

"That could be so," a man grumbled.

Tobacco sat askew in saddle, hand on his open saddle-bag. Judge Bates said, "Don't fight them,

friend." Tobacco drew his hand back. "Don't like to be shoved aroun' by these runts, Judge."

"Get movin'," the rawboned man ordered.

"Which direction?" Judge Bates asked.

"Straight down the trail. We're takin' you into Wild Horse to the sheriff. If'n your story is straight, an' you can prove it, then he'll turn you loose, of course. All right, hike them jassaxes along."

The rawboned man gave quick orders. Two men would ride between the judge and his partner. The other four—including himself—would trail them.

"You two men—ride atween these hellions. Let us boys have your rifles. Can't tell but they might grab a rifle outa your grip an' put up a fight. Us men who trail behind'll hold guns on them."

"We were heading for Wild Horse," the jurist said.

Tobacco smiled. "Never figgered the town would see us come in with a parade, though. This is kinda Egyptian to me, men. I wish you'd do some explainin'."

"You know enough. We don't need no explainin'."

The postmaster shrugged.

Judge Bates said, "Make no move toward weapons, Tobacco. Just humor the boys; they have to have their fun, you know. Anyway, they'll take us where we want to go, an' Judge Hoss Mackenzie

will recognize us."

"You know Judge Mackenzie?"

"Friend of mine, Lantern Jaw."

"Maybe the gent is a judge," a man said, worried.

"Maybe he'll put us all in the clink, Jocky."

"I still think they're lyin'."

"Me, I'm worried, Jocky. What that fat geezer said is right—cowboys who set off that powder wouldn't ride mules, either. They'd straddle fast broncs that could get them to hell an' gone in a hurry——"

"Shut up, Slim!"

"I still don't cotton——"

"We gotta play our cards, Slim."

Slim fell silent. They rode at a walk down the road. Tobacco started to reach in his coat pocket. A man grabbed his arm.

"What're you diggin' for?"

"My eatin' terbaccker."

"Keep your hand outa that pocket. You might have a short-gun in there. I'll get your tobaccer for you."

The hand went in and came out with the plug.

"Service, Judge." Tobacco glared at his partner.

"Now why don't you hold it for me, pal, while I bites off a chaw?"

The man held out the Horseshoe. Tobacco bit,

and his teeth ground down on the thumb. The man hollered. He jerked his hand back, leaving the plug in Tobacco's teeth. He pulled his arm back, fist balled.

Judge Bates grabbed his elbow. He almost unhorsed the man. "Go careful," he warned.

The men behind were laughing.

Tobacco bit off his chew and restored the plug to his pocket. They went on for a few miles with only the sounds of hoofs on the dust. Neither of the partners asked any more questions. That was useless. This would be cleared when they reached town.

Finally ahead of them reared the black bulk of buildings, evidently Wild Horse town. Jocky rode his horse even with that of Judge Bates.

"You was stuffin' about that licker in that jug, huh? You got drinkin' water in that, h'ain't you?"

The judge assured him the jug held whiskey.

Jocky ran his tongue around his lips. "I'd admire a slug of it. We bin through a rough night. But don't you untie it, fella. Your hand'll be too close to your belt, an' you might have a gun cached there."

"You're trusting, sir."

Jocky leaned on one stirrup and attempted to untie the jug. But Judge Bates had pulled the strap tight to keep the jug from bouncing. The buckle was under the jug's handle, too.

Jocky leaned back, "You unstrap it, fella. But no monkey bizness, savvy?"

Judge Bates unstrapped the jug. He held it up. "What's that? Up ahead?"

Jocky swivelled his head. The jug came down and Jocky left his bronc. He sprawled in the dust, knocked cold.

Judge Bates drank. He lowered the jug with, "Now I feel better, Tobacco."

CHAPTER 2

Judge Lemanuel Bates, district judge of Cowtrail County, Territory of Wyoming, lay flat on his broad back, covers pulled over his protruding belly, and snored as if each snore were destined to save him from the gallows. But there was no sleep for Cowtrail's postmaster, one Tobacco Jones.

Lanky Tobacco Jones, chewing tobacco methodically, sat on the edge of his bunk, dressed only in his red underwear. He could stand it no longer. He got one of his socks and put it over the jurist's vibrating lips.

The snores ceased.

Judge Bates sat up, snatching at the sock, which had already fallen.

"Too bad I changed socks last week," Tobacco said soberly.

"I dreamt some button was choking me. What's

the matter?"

"Those snores. They woke me up."

"Why didn't you turn me on my side? You know I don't snore then."

"Like tryin' to turn a dead bull."

The judge lay down. He put his chubby hands behind his head and laced the fingers. "In jail. . . . Here I come to be judge and I land in jail."

Tobacco looked mournfully at the floor. "Don't mention it. It'll make my head ache again."

The whole proceedings had been mournful. After they had gotten Jocky back into leather, they'd headed into town, with the other members of Jocky's party muttering dire threats toward the partners. Jocky had sworn he was going to kill Judge Bates, but they had unloaded his rifle.

Because of the late hour, Wild Horse town had been in bed; the irate riflemen had unearthed Sheriff Will Brown out of his soogans. He had turned out to be a lanky, beanpole individual, with thin unshaven face made prominent by a beak-like nose, and his Adam's apple danced up and down his skinny neck.

"Who be you two customers?"

The judge stated their identity.

"Hell, I locked Judge Bates up in the calaboose, not more'n three nights ago. He was a short gent, too."

"Judge Bates is tall," a man said.

Judge Bates said, "Probably somebody impersonating me, Sheriff."

"Don't know if'n he was impersonatin'—" the sheriff stumbled over the word "—you, but he weren't Judge Bates. I run him outa the burg on a floater."

"He ain't Judge Bates," the man assured him.

"I can run my own bizness, Whitey." Sheriff Will Brown looked angrily at the partners. "Judge Bates—the *real* Judge Bates—is hailing into town sometime next week. Judge Hostetler Mackenzie done told me the real Judge Bates was takin' over his fall term of court. We'll throw you two jugheads into the clink an' when the real Judge Bates comes, then you face him, Fat Man, an' tell him you're Judge Bates. He'll give you twenty years for lyin'."

Tobacco said, "But—"

"No use, partner," Judge Bates said.

Sheriff Will Brown turned and called, "Jailer, come out!"

The sheriff's office was about fifty feet distant from the jail. Both buildings rested in the shadow of Wild Horse's courthouse—a rambling stone affair seemingly put up without a building plan, the way it ambled all over the block.

A head stuck through the pail door. "What is it, Sheriff?"

"Coupla customers here say they are Judge Bates. Throw them into the tank an' make it snappy."

The judge threatened to sue for false arrest.

"That's an ol' one," Sheriff Will Brown said.

The jailer—an old, bent-over ex-waddy, escorted them to a cell, and locked the door. Outside, Judge Bates heard, "Now tell me about this dynamitin', Jocky. You're a man of responsibility here an' your story will naturally be straight. . . ."

The voices trailed off as the men went into Sheriff Brown's office.

Judge Bates, grinning, undressed and turned in, grumbling at the hard steel cot. Now, hands laced behind his head, he was almost smiling.

"Come morning, Tobacco, Judge Hoss Mackenzie will identify us. Then watch the fur fly."

"But the judge is sick in bed."

"We'll get to him, someway."

Tobacco started pacing the floor. "Bates, this is the last time I go any place with you. What starts out to be a peaceful trip turns into a riot. We went fishin' up north a while back, an' smack-dab we run into ol' Jed Lipp. We gets in trouble there. Then we goes up to Post Hole Valley to side—"

But the judge was snoring again.

Next morning the skinny jailer took in their breakfasts. Toast burned dry and black, coffee you

couldn't dent with a spoon, eggs fried to crystal hardness. Sheriff Will Brown came in later.

"We demand an attorney," Judge Bates said.

"Went through your packs," Sheriff Brown said. "Couldn't find no credentials sayin' you was a judge, Fat Man. Rode out to that explosion, too. That dynamite just plumb blew that dam skyhigh. Blew up the guard's shack, too. That guard got slugged hard, but he come to."

"Greek to me," Tobacco said.

The judge said, "We demand an attorney."

"Only one shyster in this burg. He's County Attorney Delton Myers. You can't hire him, 'cause it's his duty to persecute you. You gotta be your own law-talker, fella."

Two cells down, the jail's only other occupant watched them, dirty hands braced on the bars. He and the partners had had a brief conversation about daylight. He was One-Step Connors, he had said; called One-Step because he had a game leg. He was in jail for mooching drinks.

"No bail?" the judge had asked.

"Don't want none," One-Step had assured him.

Now Judge Bates said, "Go tell Del Myers I want to see him."

For a moment indecision showed in Sheriff Will Brown's dog-like eyes. "You talk like you know At-

torney Myers."

"Tell him to come down here."

Brown chewed thoughtfully on a dirty thumb-nail. "Maybe I bit off more'n I can chew," he said reflectively. "Maybe I put too much accent on what Jocky Smith told me."

"I think you did," Tobacco growled.

Brown turned. "When Del Myers gets in his office, I'll send him over to see you."

The lawman left.

Tobacco sat down. The judge glanced at One-Step Connors.

"Now you see, sir, what justice is, in Broomtail Basin."

The judge queried with, "But Judge Hoss Mackenzie, sir, is noted for his fairness, his great judicial decisions. His verdicts, sir, have gone down into case record, and are studied in various universities. Take his brief on the great case, Worthington versus MacCarty—"

"You know about that?" One-Step studied the jurist. "Did you ever go to law school?"

Judge Bates sat down, back to the prisoner. "Oh, hell."

Silence, except for the wind.

Finally One-Step said, "You look like a man of great abilities. Your face is jovial, your lips are those

of a smiling man, and I would say you would be a connoisseur of liquor, an epicurean in taste. Your manner has that appearance. Myself being a graduate of a great eastern university—I shall not cast reflection upon that university by stating its name—”

Tobacco groaned. “Another educated drunk, Bates.”

Judge Bates glared. “You imply, partner, I am a drunk!”

“Don’t kick over your tugs, Bates.”

“Bates? Then you are truly the great Judge Bates.” One-Step was beaming, homely face lighted. “Long have I heard of you sir. It is a pleasure indeed. Were I closer, I’d shake your hand.”

Silence.

“You would welcome a drink, Judge Bates?”

The judge got to his feet. “How would you get whiskey in jail?”

“My secret, sir.”

One-Step had a flask. He slid it across the concrete in front of their cells. Judge Bates drank deeply.

“Wonderful whiskey, sir. Bottled in bond?”

“Bottled without bail.” One-Step giggled. “Keep the bottle, sir, for I have another. Give a drop to your partner with my compliments?”

Tobacco growled, “He couldn’t give me a drop if he got me down an’ tried to get an eye-dropper at-

wixt my lips!"

One-Step's brows rose. "A teetotaler, I understand."

The judge asked questions.

The set-up according to One-Step Connors, was simple. The Great Western had built as far west as Rawhide, a town across the mountains. From Rawhide, rails would either go straight west, crossing Broomtail Basin, or they would swing northwest, going into Sagebrush Flats, and then across the Rockies on Bridger Pass.

"So far," Judge Bates said, "it is understandable."

"Broomtail Basin and Broomtail Divide is the shorter route, and the lower route—less grade would have to be made and therefore there would be fewer fills. But Broomtail Basin, because of the drought has no water."

"Who does this gent Jocky work for?" Tobacco asked. "The railroad, I figgered."

One-Step assured him his guess had been correct. "Jocky is head muleskinner and, being a well-digger by trade—or so he says—he is head of the well-diggers in this locality. He spudded down a well and built a reservoir to hold storage water—"

The partners nodded.

"The rest," said One-Step Connors, "should be apparent."

The judge agreed with him. He judged that the

neighboring cowmen did not want a railroad across their range. For, if the railroad came, then the farmers would flock in with their women, kids, chickens, cows, and farming equipment.

“Precisely, sir.”

Tobacco Jones took on from there. The cowmen had blown up the reservoir. Those four riders, fleeing from the explosion—they were cowmen.

One-Step took another drink. “I presume they were cowmen. The intelligence of Jock Smith, sirs, is a minus quality. But I myself have had no truck with this combat. Years ago I divorced myself from all earthly logic. I wanted, sirs, to retain my sanity.”

“Maybe you’re right,” Judge Bates grunted.

“I am, sirs, of the cult that lives for the moment, not for tomorrow, for this afternoon, nor for yesterday. What man does on this foolish block of granite is irrelevant to the man called One-Step Connors.”

One-Step sat on his bed and recited,

“A loaf of bread, a jug of wine,

And thou beside me, singing in the Wilderness,

Ah, Wilderness, were Paradise enow.”

Judge Bates said, “Omar Khayyam.”

“Correct. The Persian Bard.”

Tobacco got to his feet. “This ain’t gettin’ us outa this flee-trap. This ain’t—”

The door opened. Sheriff Will Brown came in with a nattily dressed, slender man of about forty.

"Here's County Attorney Del Myers," Sheriff Brown said.

Del Myers stared. Finally he croaked, "You idiot—you fool, Brown! This man—this is Judge Le-manuel Bates!"

CHAPTER 3

Judge Hostetler Mackenzie's thin head rested on a white pillow, the lips thin and bloodless, the nose Roman and pale. Beside his bed at his right was a tray that held nicely browned toast, a cup of coffee, and a dish of oatmeal covered with thick cream.

A squaw, evidently the cook, watched from the opposite doorway.

"Glad you got here, Judge Bates. And happy morning to you, Mr. Jones."

Tobacco Jones grunted something. Yeah, happy morning. In jail, burned toast, rock-hard coffee, and a drunk in an opposite cell. His eyes rested on the toast and he swallowed.

He had tried to get Judge Bates to stop into the Cinchring Restaurant for breakfast, but the judge had been determined to see Judge Mackenzie.

"Mr. Myers just left, gentlemen. He—er—he told me about your misfortune. You must not hold

this against Sheriff Brown. An honest man, a hard worker, nevertheless—well, I do not like to talk degradingly against my other county servants.”

“Myers must’ve run,” Tobacco said.

“Will you sit down, gentlemen?”

Judge Bates said they had just a few minutes. He spread the old line about it being nice to see Judge Mackenzie again and said that he would be delighted to sit on the jurist’s bench during his illness.

“Somebody shoot you?” Tobacco asked.

Judge Mackenzie peered at him. “Why do you ask such an absurd question, Mr. Jones?”

“Somebody almost shot us. There’s hell about to rip loose here in Broomtail Basin.”

Judge Hoss Mackenzie said that Attorney Del Myers had told him about the run-in they had had with Jocky Smith and his well-diggers. He was indeed sorry this had happened. He himself had been hurt lifting one corner of the piano, for he and his wife had recently moved into this new home. He had sprained his back.

“The judge sprained his back onct,” Tobacco volunteered. His eyes held a mischievous gleam. “He lifted a barrel of whiskey on its end to send down the tap.”

Judge Bates glared at him.

Judge Mackenzie seemed to disregard the post-

master's remark. He went on to say that Broomtail Basin—so named because it had once been the grazing-grounds of big herds of wild horses—was run by two big cattle outfits. Cy Montana ran the southern outfit—the Cross H—and the northern spread was owned by one Ross Frazier, who ran the Bar S iron.

“Neither of them at first owned the land they ran cattle on. But when talk came about the Great Western running rails into Broomtail Basin, both cowmen spotted cowboys on homesteads and then bought the rights to those homesteads from their riders. The railroad right-of-way has only one logical course—that through the bottom-lands of the basin. And, to get this right-of-way, the railroad will have to purchase land from either Cy Montana or Ross Frazier.”

“Who would profit the most?” Judge Bates asked. “In other words, who owns the most land to be bought for right-of-way?”

Judge Mackenzie nibbled his toast, mouse-like. “I’d say that Cy Montana and his Cross H own most of the right-of-way survey. At least three-quarters of it, I’d say.”

“How much will the railroad pay for right-of-way?” the judge asked.

“A fair price.”

"Fair to them, maybe." Judge Lemanuel Bates stared absently out of the window. I know these big corporations. Backed by Eastern capital, they try to buy everything west of the Mississippi at lowest possible rates. They think we're still all Indians out here."

"You sound like—er—you are against our capitalistic system?"

"Not against it," Judge Bates grunted. "I'd just like to see more honesty injected into its muddy veins."

"Our system," Judge Mackenzie said stoutly, "is perfect, I maintain."

Judge Bates decided to steer clear of politics. He had heard Judge Mackenzie's stubborn logic too many times at judicial conventions. Although usually fair-minded, Judge Mackenzie, like every other human, had particular spots where he went temporarily blind, and Judge Bates, knowing this, turned the conversation to other subjects.

"When is fall term of court to open, Judge Mackenzie?"

"Next week. September 10, sir." More toast was nibbled on. "I understand, Judge Bates, you ran your fall term early?"

The judge, smiling a little, told him that assumption was correct; he and his partner had wanted to

get in some fishing before winter came. At this, Judge Mackenzie frowned deeply.

Judge Bates knew what bothered the ailing jurist. By territorial law, fall court should never start before the first day of September, and Judge Bates had run through his calendar a few days before court was legally supposed to convene.

Tobacco saw Judge Mackenzie's frown and, unnoticed by the ailing jurist, grinned at Judge Bates, all the while jerking his head toward the door in a gesture which said, "Let's get out of this joint, an' leave this ol' fossil rest."

"One more question, Judge Mackenzie. How many cases on your calendar?"

"One."

"Only one. Hardly worth wasting the taxpayers' hard earned money over. Who is the vic—er, who is the accused?"

The accused turned out to be one Wilbur Connors, commonly known as One-Step Connors, charged with drunkenness, vagrancy, subsisting with no visible means of support, panhandling, and being a general community nuisance.

"They sure threw a book at him," Tobacco grunted.

They took their farewell of Judge Mackenzie. They were in the hall when a human gusher gushed

out of a room. "Oh, Mr. Bates! Judge Bates! How good it is to see you again! How kind of you to preside over my ailing husband's court!"

Mrs. Mackenzie was a fat, beaming woman who talked continuously. Judge Bates introduced Tobacco, who shook her hand and nodded silently. She and Mr. Mackenzie wanted them over for dinner soon. Would they stay at their home during their sojourn in Wild Horse?

The judge, lying masterfully, expressed regrets, saying they had already secured lodging at the Wild Horse House, and had paid two weeks rent in advance. Yes, they would be glad to come over for dinner when the good woman named the date. Finally he and Tobacco were out in the open air.

"What a mouth," Tobacco said. "An' damn' fools still look for perpetual motion. Reckon none of them inventors know about Wild Horse town, though. She ain't goin' have me for dinner. I don't crave her to cook me."

"An old joke," the judge said.

"That ol' Hoss Mackenzie. He ain't got a drop of human sympathy in him. He might make a good judge, as you say, but I'd hate to stand up in front of his Bench. Unloading a ton of coal on that ol' drunk One-Step."

"An educated man, One-Step."

"An educated drunk, as I said before." Tobacco spat. "Hospitality, hades! You noticed they didn't ask us for breakfast, didn't you? Not that I'd crave to eat there with that river running outa that woman's big mouth."

"An ol' pessimist," Judge Bates said.

"I may be a pessimist, like you say." Tobacco's scrawny fingers tightened on the sleeve of Judge Bates' buckskin jacket. "But you cain't dodge this—we're in for a mess of trouble, Bates. You're actin' judge here now, an' that pulls you into this trouble, an' you know it."

"You can stay out."

"Sure I could stay outa trouble. Yeah, an' bring you back to Cowtrail in a pine box, Bates! We've been pards too long for me to set by an' watch you run into a stray slug."

"You don't sound broken-hearted."

By this time they were on Wild Horse's main street. This stem was about two blocks long and the plank walks were lined by false-fronted buildings, some painted and some unpainted. Pine-pole hitch-racks were in front of the single store—the general store—and in front of the two saloons and various other business enterprises. A few ponies stood and switched flies.

One saloon bore the legend, Bridle Bit, and the

other, across the street, was called The Last Shot. Two horses stood by the Bridle Bit's hitchrack, and the partners saw the Cross H iron on their right shoulders. Across the street stood three broncs that packed the Bar S on their left flanks.

"Reckon Cy Montana must patronize the Bridle Bit an' Ross Frazier an' his cowedogs spend their dinero at the saloon, The Last Shot."

"That don't look good, either," Judge Bates opined.

Tobacco turned into the Cinchring Restaurant. "Good or not, I'm aimin' to chaw my breakfast."

Only two of the stools in the Cinchring were taken. A slender man about forty-five sat on the closer stool, and he swung gray, unreadable eyes around to them. Those eyes darted over the partners in quick inspection, then returned to their owner's ham and eggs. The stool beyond the slender cowman was occupied by a wide-shouldered cowboy earnestly engaged at the present moment in destroying the products of about four hens. This cowboy glanced over his upraised fork and then continued his morning chore.

A Chinaman slid out of the kitchen and started rattling off the menu. Judge Bates said, "Ham and coffee." Tobacco nodded. "Same here."

The Chinese stopped in front of the two cow-

men. "Someth'ing else, Cy? You, Shorty Betton?"

"More coffee," Cy said. He was the slender man.

Judge Bates reasoned that the older man would be Cy Montana and the younger would be one of Montana's Cross H punchers.

Montana finished eating before the partners had their breakfasts. He put two silver dollars on the counter and speared a toothpick. His cowboy went outside. Cy Montana looked at the partners.

"Nice mornin'," he said.

"Might turn out bad," the judge said.

Montana dug into a molar. "Might at that," he said. He went outside.

Judge Bates chuckled. "He's busting his cinch, wondering who we are. He's a tough apple."

The Chinaman skated in with their orders. He slid the plates on the counter, speared the two bucks, dug under his apron. Judge Bates heard a clink as the two silver dollars joined other silver somewhere under the Chinaman's belt.

Tobacco jabbed an egg with his fork. He wondered if the egg were not so hard it would bend the tines. He was sure now that his first breakfast, served in the local jail, had come from this same cafe.

The Chinese poured coffee. "You men new here?"

"Yeah," Judge Bates grunted.

"Where you ride from?"

"We just broke out of jail. Slept there last night."

The Chinese doubled with mock laughter. He slapped his skinny thigh. "Good joke, fella man." He skated back into his kitchen.

Judge Bates said, "What a cook! We eat here once, and that's all. Somebody told me there was an eating place in the Wild Horse House. We'll have to try it."

For the second time that morning, the partners tried to eat a bum breakfast.

They were at the front of the restaurant, paying for their chuck, when the explosion occurred.

CHAPTER 4

The front window bellied in but did not break. Plates danced on the shelves. The Chinaman hol-
lered, "Holy Sloke! Somebody shoot off cannon!"

The hit the street, Judge Bates in the lead, Tobacco Jones ahead of the jabbering Chinese. Dirt and debris filled the air. A wild-flying two-by-four, strips of siding still clinging to it, landed in the street dust, not more than thirty feet away. Tarpaper floated in the air.

"Cannon, nothin'!" Tobacco growled. "That was dynamite."

"Dynamited a house," Judge Bates grunted.

The Chinaman skidded to a halt. "Holy Clannon! Someblody, she blow up Great Western office. Me, no likeum trouble." He skated back into his cafe and slammed the door.

Heads peered out of windows. Townspeople broke out into the street. Stores and business estab-

lishments debouched customers, owners, and clerks. A Cross H horse broke his hackamore rope, and a cowboy ran out and caught him by his bridle-reins.

The Great Western Railway's office had been set apart from other buildings. A frame building, the powder had blasted it apart, leaving only the concrete floor. Had it been flanked closely by other buildings, they would have gone down too. The place was a complete loss.

"Maybe they had powder stored in it," a man said.

By this time Sheriff Will Brown had arrived. He surveyed the wreckage, Adam's apple bobbing. County Attorney Del Myers came running out of the courthouse. He stood beside the sheriff, both speechless.

"Anybody in it?" somebody asked.

"If they was somebody," Sheriff Brown said, "he sure ain't in it now." His humor was grisly.

A man said that Jocky Smith and his men had spent the night in the office, but he'd seen the well-digger and his crew head out of town at daylight. Yes, Smith had locked the door behind him, the man told Sheriff Brown.

Brown was in a grumpy mood. He'd ridden out to the dynamited reservoir, he said; the thing was a total wreck. Somebody had slammed the guard out

there over the head and then blasted that to a wreck too. He'd been catching a little nap in his office when this explosion had sounded.

"Too much trouble around here," the lawman muttered. "Some fine day I'll land on somebody's neck, spurs an' all."

Cy Montana and his rider stood a few paces away from Judge Bates and Tobacco Jones. Both of the partners caught the sly wink Cy Montana sent his cowboy, who grinned a little.

The sheriff asked questions. Had anybody seen anybody snooping around the Great Western office? He put the question directly to a short, heavy-set man, evidently a cowman.

"Don't look at me," the cowman warned. "I never blasted this joint down. I was in the saloon, drinking. I was in The Last Shot, an' I got witnesses. Why don't you question Cy Montana? A rider of mine just seen him an' Shorty Betton walk down the alley behind this joint. They come out of the Cinchring eatin' house an' walked down this alley."

Eyes turned toward Cy Montana and his man.

Cy Montana's thin face was the color of gray clay. "I've stood enough of your lip, Ross Frazier. Yeah, me an' Shorty did go down that alley, but we went to the livery-barn to look at a hoss of Mack

West's I bought."

"That all you did?" asked Ross Frazier.

Judge Bates caught the impression that Ross Frazier was deliberately egging Cy Montana into trouble with him. Frazier, the jurist noted, was big and tough, while Montana was slim, and somewhat older than Frazier. If it came to fists, Frazier would probably kick the stuffing out of Montana.

"No fightin'," pleaded Sheriff Brown. "Let's settle this as peaceful citizens, men."

"No man's accusin' me of usin' dynamite," Cy Montana growled. "Me, I fights in the open—guns or fists." He started toward Ross Frazier, who stood wide-legged, a crooked grin on his thick lips.

County Attorney Del Myers grabbed Montana by the shoulder, and Montana's cowboy pushed the lawyer with the palm of his hand, knocking Myers back. When Montana went in front of Judge Lemanuel Bates, the jurist's boot shot out.

Montana fell sitting-down. Hand on his gun, he glared up at Judge Bates. "Who in tarnation are you to butt into this, stranger?"

"He's the new judge!" Sheriff Brown spoke quickly. "He's Judge Bates, Montana, an' he come to set on Judge Hoss Mackenzie's bench."

Cy Montana got to his feet, brushing off his pants. Ross Frazier and his men walked toward the Last

Shot Saloon. Montana said, "Judge or no judge, he ain't trippin me," and he swung.

Judge Bates ducked the wild blow. He wished he had his jug along and he'd've buffaloed Cy Montana. He had a gun on his hip now, but he hesitated using it unless he were forced.

Rage rode Montana. He hit again, and then Tobacco's knuckles came in. The postmaster hit the cowman on the jaw and knocked him down. By this time Sheriff Brown had his gun on Shorty Betton.

"Watch yourself, Shorty."

Shorty pulled back his right hand.

Cy Montana spat blood. County Attorney Del Myers leaned down and speared Montana's six-shooter from holster.

Judge Bates glanced at Tobacco. "Thanks."

"Hurt my knuckle."

People watched, silent.

Finally Montana got to his feet. "Reckon I was wrong, Bates," he said. "Maybe it was best you kept me from tanglin' with Ross Frazier. He might've cleaned me with his fists. When I come at him, I'll have a gun in my hand."

"No ill feelings?"

"Don't ask me that," Cy Montana growled. He beckoned to Shorty Betton, "Let's get outa here."

Shorty asked, "My gun, shyster?"

Sheriff Will Brown said the pair could get their guns from his office inside of half an hour, if they had cooled down by then. The pair went into the Bridle Bit Saloon, which had suffered a broken front window in the blast.

"Thanks, Bates," Brown said.

The judge and Tobacco and Attorney Myers and the sheriff stood talking for some minutes. Sheriff Brown was sure either Cy Montana or Ross Frazier—or some of their men—had blasted down the Great Western's headquarters. An old fellow, who claimed to be a miner, said he thought the blast had come from inside the building.

"Must've come from the outside," Sheriff Brown maintained. "Jocky Smith always kept the building locked. He only used it now and then, mostly as a pay-office when he paid off his well-diggers."

The old miner got mad. "If you know so danged much, you tin-star, why ask anybody's opinion?" He stomped off, a banty rooster.

Sheriff Brown complained, "See, that's what I'm up against, Judges Bates. Not a bit of co-operation outa anybody. Here I ride to that danged reservoir, look at where it used to be, an' try to cut tracks—can't find none, though. Then I get in trouble over you for juggin' you. Judge Hoss Mackenzie called me over to his place right after you two was over

there. He's got a tongue like a drunk squaw. He cut me to the quick, gentlemen."

Judge Bates felt sympathy for the skinny lawman. "Don't reckon we hold anything against you, Sheriff. Had you found my credentials and then held us—that'd have been different. But I left my credentials home, seeing that Judge Mackenzie knew me so well."

"Now I got another unsolved case. . . ."

Judge Bates and Tobacco Jones left the sheriff moaning to himself. Tobacco muttered. "You shouldn't've tripped Cy Montana. You ought've kept your big boot—an' your big mouth—outa that mess, Bates."

Judge Lemanuel Bates reminded the postmaster that, above all, he was a public servant, a hireling of the taxpayers, and thus, in that role, he was commissioned by his office to stop trouble before it began, even at own personal danger. Tobacco listened and spat and remarked, "I don't think public duty called you, Bates. I figure you was just hankerin' for trouble."

"An unworthy thought, sir."

Ahead of them walked an elderly woman and a young girl of about twenty. Tobacco gazed at their backs and decided without seeing her face the girl must have been a beauty. When the women turned

into the Wild Horse House, the partners got the first look at their faces.

The first woman was not elderly; she was just middle-aged. She had a hatchet-face with a trace of whiskers over her upper lip. Both partners noticed those lips were thin and cold.

The girl, though, had a full face, reflecting happiness and a good disposition. She was very pretty. Brown hair showed from under her small pushed-back Stetson, giving beauty and color to the tanned, clear face with its stubby nose and dark brown eyes.

"Holy smoke," Tobacco grunted.

Judge Bates glanced at the postmaster. "That older woman is a striking beauty, sir."

Tobacco snorted. "That ol' mud fence! Bates, don't devil me! That young girl, though—she makes me wish I was twenty."

"Don't go back ninety years."

The older woman looked at them. Her eyes ran over the judge's corpulent frame, then dwelled on Tobacco's weatherbeaten features. The judge noticed that she gave the postmaster a careful scrutiny.

"Come on, Mother," the girl said.

"Just a minute." The older woman walked over to them. "Aren't you the new judge, sir?" And, without giving Judge Bates a chance to reply, she spoke to Tobacco. "And you are Cowtrail's postmaster,

Mr. Jones?"

"That's us," Tobacco said.

The woman introduced herself as Minnie Jacobson, commonly called "Ma" Jacobson. Her daughter was Trudy. Together they operated the Wild Horse House.

"We have rooms, gentlemen—clean, comfortable, quiet rooms. Our dining-room puts out splendid food, cooked by my daughter and myself. We do hope you make our hotel your home during your stay in our beautiful village."

"Too late for breakfast?" Tobacco asked.

Trudy smiled. "Not too late, Mr. Jones."

Tobacco said, "We had a bite to eat at the Chink's, but it tasted like latigo straps. I'm hungry for some hotcakes."

Trudy and her mother turned into the hotel. Tobacco Jones and Judge Bates followed. Judge Bates muttered, "You're not hungry, you idiot. And she called this a 'beautiful village!' Humph. . . ."

CHAPTER 5

"Wilber Connors, stand before the Bar."

"Aye, aye, sir."

"You stand before a tribunal of justice. Take off your hat."

A claw went up and its talons grabbed the old hat.

"Stand erect, sir."

One-Step Connors said, "I'm standing straight up and down, Your Honor."

Judge Bates almost smiled. But his office demanded an official mien, so he kept a straight face. One-Step had imbibed rather deeply from the bottom of his flask, and his breath did not smell of roses and perfume. One-Step's bum leg was very unreliable and his other seemed also to lean strongly toward that same trait.

Judge Bates looked down at the Mackenzie docket.

He had decided to hold One-Step's trial immediately. Never one for too much pomp, always with an eye to reduction of the cost of courts, he had come from the Wild Horse Hotel, the inner man satisfied. He and Tobacco had carried a small table into the bull pen, and then Tobacco had summoned Sheriff Will Brown and County Attorney Del Myers.

"This h'ain't legal, be she?" Brown asked.

"The legality of this procedure," assured Judge Bates, "is a matter for me to dwell upon as acting judge of this county, Sheriff. Your official capacity only requires that you arrest law breakers."

"I'm one of them," One-Step assured him.

"Judge Hostetler Mackenzie's docket, prisoner, states that you are accused of the following misdemeanors: to wit, drunkenness on the public streets and in public buildings; vagrancy without visible means of support; begging on the public streets and in public buildings; also it had you charged as a public nuisance."

"That's right, Judge Bates."

"Have you an attorney?"

"Don't need none. I aim to plead guilty. They's another charge against me too, Your Honor. I spit deliberately in the sheriff's face when he arrested me."

Sheriff Will Brown scowled and nodded.

"We'll forgit that charge," Brown said.

Judge Bates looked at Attorney Del Myers. "I guess, sir, the case is finished, then." He appealed to One-Step Connors. "Sir, had you denied the charges, I would have freed you. You are an expense and burden to the taxpayers who gain nothing by your continued incarceration. Do you want to go free, or what is your plan?"

"I want at least ninety days in jail."

"Why, pray, such a long sentence?"

One-Step swayed precariously and Sheriff Brown reached out to steady him. "Your Honor, I like it here. I have three square meals a day. Outside, my eating habits are uncertain. I also want to keep away from alcohol for a length of time to attempt, if possible, to acquire my former equilibrium."

Judge Bates looked at Sheriff Brown. "Where does this man get his alcohol?"

"I don't know, Judge Bates. Neither of the saloons will sell whiskey to anybody unless they drink it on the spot. I made them promise to do that; I figgered somebody was smugglin' him licker. That was a week or so ago and he still has whiskey. I've staked out a deputy to watch his cell window from the alley, and the deputy h'ain't seen nobody smuggle a bottle through the bars. It's beyond me."

"Drag him to the door and throw him out," the

judge said.

With One-Step screaming and protesting, the lawman pulled the skinny inebriate to the door and tossed him out into the street.

"I'll get back in," One-Step hollered.

"You get outa town," Sheriff Brown ordered. He slammed shut the door and stomped back into the bull-pen, fluttered and puffing. "Me, I cain't understand it, men. Most hambres don't cotton to go in jail, an' you can't keep him out. I've searched this jail lookin' for his whiskey-cache, but if it's here, I sure can't find it."

Tobacco had been watching out a barred window. "Look," he cried.

One-Step stood in front of the store, about five feet beyond the edge of the sidewalk. He swung a rock in his right hand. His skinny arm flew back and the rock slid out and glass crashed in the store.

"He's busted that big window!" Sheriff Brown jumped for the door.

Soon the lawman came back. But One-Step had already passed right outside the door, streaking for the jail. He ran in ahead of Brown, smiling and clowning. He ran into his cell and slammed shut the door.

"Back again, men."

An irate storekeeper, still wearing his white

apron, stormed in immediately. "I'll kill that drunk — I'll bust his neck!"

"I'm safe," One-Step panted. "You can't get me in this cell!"

The storekeeper appealed to Judge Bates. "Let me in there, sir. I'll drag him behind my establishment and tar and feather him an' ride him outa Wild Horse on a string of barbwire!" He quieted a little. "That window cost me twenty-three dollars and fifty-eight cents, not including freight charges. Seriously, what'll we do with this drunk? Judge Mackenzie couldn't cope with him at all."

Judge Bates assured the man the county would pay for the broken window. He also stated that One-Step was a problem that needed further study.

"He's an educated man," the storekeeper reminded him. One minute he talks worse English than a bum, and the next minute his English is polished. There must be some twist in his so-called brain, eh?"

Judge Bates told the storekeeper to bring his bill into Attorney Myers' office, where it would be honored. The storekeeper left to make out his list of damages.

Judge Bates looked at One-Step. "I'm ashamed of you."

"I'm not."

The jurist rapped with his jug on the table. In

solemn tones he intoned that the fall term of the county court had cleared up its official matters and would now dissolve to take up its duties the following September. Attorney Myers went to his office, and the judge and sheriff and Tobacco went to the sheriff's office.

"I got a sack of beans for One-Step," the sheriff said. "He's doin' his own cookin' now; don't cotton to the Chink's grub. He cooks on that little wood stove in that back cell."

"That saves the county money," the judge acknowledged.

Sheriff Brown hoisted the sack across one skinny shoulder and started for the cell-block. Tobacco and the judge went out on the main street.

"That ol' Hoss Mackenzie is a first class liar," the postmaster said. "Hades, he ain't laid up, the four-flusher. He's just got too much here to fight against, so he took an imaginary ailment to bed an' hollered Uncle to Judge Lem Bates."

"Don't speak of a professional colleague of mine in such degrading terms, my friend."

"Humph. . . ."

The partners stood and looked at the wreckage of the Great Western office. The storekeeper hurried by and nodded. The horses of the Cross H men and the Bar S riders were gone from the hitchracks in

front of the two saloons.

Tobacco chewed. "One thing is certain, Bates. Cy Montana an' Ross Frazier pack no love for each other. Looks to me like they're fittin' against each other an' the Great Western, too."

"On the surface, yes, it appears that way."

"What'd you mean . . . on the surface?"

"Still water cuts a deep channel. According to Hoss Mackenzie, Cy Montana stands the most to lose. Montana owns most of the right-of-way. Judging from that angle, Montana would have blown up the dam and reservoir. And Montana would have dynamited the office here."

"Well, Ross Frazier is in on this, too."

"Hard to tell, friend. There are still lots of things we don't know."

"The court term is over, Bates." Tobacco grinned and spat. "Lasted all of ten minutes. Your duty is done; now let's ride out an' get some fishin', workin' our way slow-like back to Cowtrail."

"I don't think you mean that, Tobacco."

Tobacco allowed that he didn't. He was just as anxious as Judge Bates to solve this riddle.

"Just figgered I'd egg you on to get your reactions, Bates. Now this county attorney—is he above-board?"

Judge Bates spoke very softly. "Del Myers—right

after he got out of law school—got in some trouble in his native state of Indiana. He almost drew a prison term. He was disbarred from practice. About ten years ago he came to Wyoming. He went before my court—I was sitting as a judge in Cheyenne—you weren't along. He told about his trouble, took an oath to be honest, and I restored his right to practice."

"Oh."

"Since then, he has been honest, and an asset to the legal profession."

"We'd best watch him, huh?"

Yes, they would watch Attorney Myers. In fact, many people here on this Broomtail range could be carefully watched. They would have to play their cards close.

"We got shot at," Tobacco grumbled. "I don't cotton to that. We landed in the calaboose. That hurt, too. But I don't carry no love for no railroad an' its big-bellied bosses."

"Neither do I."

"Still, this railroad come through here, an' this basin'll prosper. Turn into fields of wheat an' flax an' oats, an' there'll be happy farmin' families with their barns and homes. Had a nephew who had a hard time back East. He settled down on the Huntley project. Irrigates an' makes money. This land—

'cept for them alkali spots—will raise good crops, if'n it has water."

"Deep wells will furnish it. I've seen the geological tables for this area. There is much under-surface water."

"Looks like we settle for a while," Tobacco said.

The storekeeper hurried by. "Thanks, gentlemen," he said. He had a check in one hand.

"Let's get Del Myers," Tobacco said, "an' ride out to that reservoir of Jocky Smith's."

"Here comes Myers now."

Myers was coming out of the courthouse. The partners walked up to meet him by the jail. "We're riding out to the reservoir," Judge Bates said. "We'd like to have you ride along, Mr. Myers."

"Sure thing, Judge Bates. An honor, I assure you."

A voice said, '*Hasta la vista, señores.*'"

The partners looked up. They were beneath a jail-window. They could make out the homely features of One-Step Connors behind the bars.

"*Bonjour,*" One-Step said.

CHAPTER 6

The harsh voice came from the buckbrush ahead. "Just you hellions rein in your broncs an' wait until I look you over! Remember I've got a .30-30 rifle on you, an' make no funny moves with your paws!"

The trio pulled in reins.

Del Myers said, "You know me, you fool, even if you don't know Judge Bates and Tobacco Jones! Come out of that buckbrush and act civilized!"

The brush stirred and a man came out carrying a rifle. "Couldn't see you very well, Mr. Myers. That sun was right in my eyes." He studied Judge Lemanuel Bates and Tobacco Jones. "I thought them two hellions was behin' bars."

"You thought wrong," Myers clipped.

"Ride ahead," the sentry said.

Soon they came to the marks of water that had gushed down a small coulee, washing it wider and rolling rocks and debris before it. Keeping on the

rim of its muddy bank, they rode ahead a few rods and came to a clearing. Beyond them, blocking partially the mouth of a gulch, were the remains of the dam.

Evidently the dynamite had lifted the center of it skyward. Mad water rushing through had torn deep into the banks that were toed into the sides of the gully. Rocks and brush lay around, gray with mud.

"That powder sure fixed it," Attorney Myers murmured.

"Where was the guard's shack?" Judge Bates asked.

Myers pointed out the former location of the shack. The guard was in bad shape, down in Wild Horse, so the local doctor had told him. He'd been slugged and knocked out, but whoever had blown up the dam had dragged the guard out of danger of falling rocks and tons of mud.

The camping quarters of Jocky Smith's crew was further back in the hills about a half-mile. After looking over the dam, the trio headed in that direction.

"That water washed out all hoofprints," Tobacco grumbled. "Mind them riders we saw, Bates? They come outa this draw, remember? They rid down it so's the water, when the dam busted, would wash out all their tracks."

"You didn't identify those riders?" Attorney Myers spoke quietly.

Tobacco shot the lawyer a quick glance.

"Too far away," Judge Bates said. "And the night was too dark."

Del Myers was silent. Then, "That's too bad. This would have been solved, had you seen them closer."

There was another guard around the camp. Again Myers got them through. Teams of mules stood at long log mangers and chewed hay. Men lounged in front of tents, loafing or playing cards. Judge Bates judged the camp contained about twenty some men. Jocky Smith saw them and left a card game.

"What're you doin' out here with these two skunks?" he demanded of Del Myers.

The attorney pointed out that "these two skunks" were none other than Judge Lemanuel Bates and one Tobacco Jones.

Jocky Smith rubbed his heavy jaw with its thick reddish stubble. "Well, shoot me for a poison duck. You mean—they really were Judge Bates an' Jones! Lord, I'd sure cottoned to seein' ol' Hoss Mackenzie bawl out that string-bean sheriff. I'll bet he sure et his head off."

The well-diggers had heard the conversation. A few crowded forward, hardly believing their ears.

"How's your head feel?" Judge Bates asked.

Jocky Smith's grimy fingers went to the base of his skull. "Still got a sore spot, Judge Bates." He stuck out his right hand, grinning. "You sure outfoxed Jocky Smith. Well, I was wrong, men. I offer you my hand an' my apologies!"

They all shook hands.

"Your men aren't working?" Judge Bates asked.

Jocky Smith said that he had sent word to Rawhide, at the end of the rails, and asked for a railroad official to come out to verify the damage done by the blasting. When that official came, then he would know whether he should go ahead on the dam, or drop the project.

"These two local cowmen boosted our dam sky high," he maintained. "I know one of 'em—or both of 'em—were in on it. But what can I prove?" He spread his hands, dirty palms out.

"Nothing you can prove in court," the judge said.

"Maybe it won't get to court, Judge Bates."

Tobacco knew the construction boss had said the wrong thing there. And Judge Bates' clipped words substantiated his partner's guess.

"Remember, Mr. Smith, that I am judge here now. Judge Hoss Mackenzie is not on the bench. Every move in this trouble will hark back on me, for I have jurisdiction over the sheriff and Mr. Myers.

My viewpoint is wholly impartial, you may be assured, but only lawfulness will be in the saddle—not mob rule.”

Jocky Smith seemed to take no offense at Judge Bates’ warning. He said, “I’ll work with you, Judge. Be proud to. But I would like to know who done blasted this dam all to smithereens.”

“So would I, sir,” Judge Bates assured him.

The partners and Lawyer Myers rode off. Tobacco Jones said, “That Jocky Smith seems like a nice gent, Bates. Reckon he was hot under the collar last night, or else he’d never have taken us to the jug.”

“He seems co-operative,” Myers said.

They went to where some of Smith’s crew was digging a well, down on the bottom land. It was a drilled well, and the cable was raised and lowered by a noisy steam engine. Here a guard was out also.

Judge Bates realized that this Broomtail Basin was, in all reality, an armed camp, with railroad workers pitted against cowmen. The seriousness of this predicament drew lines deeper into the jurist’s heavy face.

They watched the workers pull up the bit and clean it and jam down another length of casing. Lawyer Myers remarked that they should be heading back toward town, for soon night would be with

them. They would follow Beaver Creek, now a dry creek bottom, down into the basin proper, and then hit the trail into Wild Horse.

A herd of wild broncs—about ten of them—jumped out of the brush, where they had been grazing around a water-hole. A stallion, a beautiful pinto horse, led them, his mares and colts running behind. They went fast and hit the foothills and became lost from sight.

"Some broomtails the cowmen evidently haven't been able to corral," Lawyer Myers remarked. "Ross Frazier and Cy Montana have cleaned most of the wild horses out of here, but some are too wild to corral."

Judge Bates admired the pinto stud. "Egad, Tobacco, how I would like to have my saddle on that beast, and be in that saddle."

"You wouldn't be in it long," Tobacco grunted. "That hoss could buck until fire spouted out his ears. You sure ain't no bronc-stomper, Bates."

The judge assured him that, in his youth, he had climbed on board many a wild one, and ridden him to a standstill. And if called upon today, he could still put up a fair bronc ride.

"You'd best stick with your old Betsy mule. A mule is better'n a hoss anyway. Easier-gaited and more sure-footed, although a mite slower on a run."

"Tougher, too, for a long ride," Del Myers stated.

They were in the brush along Beaver Creek. Once Myers pointed to the east, and there the partners saw two wagons coming along the rim of the hills. Although about three miles away, Judge Bates could see that the wagons were loaded, and their four-horse teams, strung out two abreast, were pulling hard.

"Railroad wagons," Del Myers explained. "Freighting in supplies for the well-diggers. They also freight in oats and hay for the horses that worked on the reservoir. Cy Montana and Ross Frazier are losing money by not selling those camps beef. As it is, the railroad has to freight in beef, and by the time it gets here it costs about ten times as much as Montana and Frazier could sell it on the hoof—if they wanted to sell, which they don't."

"They can't break the railroad by the high price of beef," Tobacco grunted.

The judge was unstrapping his jug. He uncorked it and offered it to Del Myers, who shook his head. When the judge was raising the jug, the rifle spat out its ugly, whining message.

Judge Bates heard the high whine of the bullet. Evidently the rifleman was hidden in the thick brush somewhere ahead. There was only one shot. Del

Myers and Tobacco Jones left their broncs, with Tobacco dragging his rifle out of boots as he hit the sod.

"Git down, Bates, yuh idiot!"

Judge Bates, jug forgotten, whirled his rearing mule, and rode into deeper brush. Tobacco and Del Myers were flat on the ground. Somewhere ahead sounded the pound of running hoofs—retreating hoofs.

Tobacco said, "I'm lookin' up ahead," and ran into the brush. Del Myers was still flat.

By this time, Judge Lemanuel Bates was spurring his mule up a side-hill, hoping to gain altitude enough to catch sight of the bushwhacker. But the hill was steep, and despite the panting and laboring of his mule, the ambusher was almost out of sight when he finally reached the summit.

He glimpsed the rider heading into the dusk, riding fast, riding low over his fork. He figured the rider was heading in the general direction of the Cross H. He was too far away to throw a shot at. The bullet would only have been wasted.

Judge Bates finished his drink, restrapped his jug, and rode down to where Del Myers, grinning crookedly, was climbing back into saddle.

Myers growled, "So now it's ambush, huh?"

Judge Bates nodded.

Tobacco came back, jammed his Winchester into the saddle scabbard. "He got too good a start, Bates. I never even caught sight of him. You see him?"

Judge Bates told about seeing the fleeing ambusher, but that he could not recognize him. "He rode toward the Cross H."

Del Myers was still shaken. "Cy Montana must mean business, Bates. Would that be grounds enough to swear out a warrant for his arrest?"

"We oughta throw both Montana an' Frazier into the calaboose," Tobacco grumbled. "Learn the big-wigs they ain't bigger'n the law."

Judges Bates smiled. "Whoa up, partner. That isn't justice. Besides, just because an ambusher rides toward Cy Montana's Cross H, is that any sign he is working for Montana?"

"Well . . . no."

"Wonder he didn't kill one of us," Del Myers stated.

Judge Bates shrugged. "I don't reckon he shot to kill. Mind how high that bullet sounded? Way overhead it was."

"Then what was the idea?" Tobacco growled.

"He only wanted to scare us. That ambusher never shot to kill; he shot to scare—to warn us we were in a range full of trouble." Judge Bates

rubbed his heavy hand over his polished jug. "Had he wanted to, at his range, he could have knocked any of us out of saddle."

"Who t'Hades was he?" Tobacco wondered.

CHAPTER 7

Ma Jacobson stood in front of the mirror, humming as she worked on her hair. Trudy, her afternoon nap over, sat on the edge of the bed. Ma Jacobson, her hair fixed right, straightened her new gingham dress, humming softly.

"You sound happy," her daughter said.

"I am happy."

Trudy yawned. "I was dreaming of a nice young man." She kept watching her mother. "You're too happy, Mother. Are you in love again?"

"Hush up, now, and get downstairs, and get to work. We should have those buns in the oven by now."

"Buns. All my life it's been *buns!*"

"Daughter!"

"Wish I could meet some good young man and marry him so I could get out of this darned hotel and eating-joint."

"This is not a *joint*!"

Trudy smoothed her hair, slipped into her apron, and decided to skip this quarrel. She went downstairs into the kitchen and started to work. Ten minutes later her mother came down, singing a soft song.

Customers started coming in. Once Ma Jacobson looked over the swinging doors that led to the dining-room. "I guess Mr. Jones hasn't come in yet."

Oh-oh, Trudy thought. She knew why her mother was so happy, now. . . . She decided to play dumb. "Mr. Jones?"

"Yes, Mr. Jones. Judge Lemanuel Bates' partner."

"Oh, that is his name, isn't it?"

Ma Jacobson sent an angry glance at her daughter, who apparently was busy filling a steak order. The dining-room had almost run out of customers when Tobacco Jones and Judge Bates entered.

"I'll get their orders," Ma Jacobson said.

So far, Ma hadn't waited on a customer. Trudy smiled and cleaned a skillet. Her mother came back, cooked the orders of the judge and his partner, and Trudy noticed that more generous helpings went on one plate. Unnoticed by her mother, Trudy watched to see who would get that plate, and it went to To-

bacco Jones.

Judge Bates also noticed the plate.

"I haven't eaten yet," Ma Jacobson said.

"There are two extra chairs at this table," Judge Bates assured her.

"Thank you, sir."

Ma went back into the kitchen for her plate. Tobacco glared at her back, then said quietly, "Judge, what's the matter with you, you simpleton? Why invite that ox to eat with us?"

"Courtesy, Tobacco."

"Courtesy, Hades! Notice how much more chuck I got than you? All these old women—they go after me."

"You're a bachelor."

"So are you. But they don't chase you."

"Maybe you got something I haven't got."

Tobacco shovelled in some spuds. "Yeah, I have. Brains."

Ma came back and sat beside Tobacco. Trudy came out of the kitchen. "I've cleaned up everything but the dishes you folks have."

Tobacco invited her to sit down and talk with them. She declined, saying she had an engagement for the evening.

"Going over to see Sid Potter?" Ma asked.

"To see Nancy Potter," Trudy corrected her.

"Yeah, but Sid'll be there."

Trudy tossed her brown hair and stuck out her tongue. She went into the lobby and they heard the outer door close.

"Some local swain is indeed lucky," Judge Bates said.

"A daughter is a problem," Ma Jacobson said. "In this small town there are no young men of promise. I suppose she'll marry some worthless cow-puncher."

After eating, Tobacco bit off a chew. Ma Jacobson said, "Would you like me to escort you around our fair village, Mr. Jones? Possibly you have not seen all the dwelling section yet?"

"Saw it when we rode out to the dam."

"Oh, that is right; you two did ride out there. Did you find any—er—clues?"

"Just mud and dirt," Judge Bates said.

Tobacco pushed back his plate. "I'm tired an' I'm trottin' upstairs to my bed." He said goodnight and left. Judge Bates tried to keep up a conversation with Ma Jacobson. But, with Tobacco gone, the woman had little response. The jurist was glad when she carried their soiled utensils back into the kitchen.

Sheriff Will Brown slouched in, hooked a chair, and sank into it. Judge Bates offered him a drink, but the lawman turned him down. He asked if the

partners and Del Myers had found any conclusive evidence pointing to who had blasted the reservoir into Kingdom Come.

"Not a sign, Sheriff."

The judge did not tell that an ambusher had shot at them. He had Sheriff Will Brown catalogued as a befuddled individual who had been elected sheriff because it was an easy job and because nobody else had wanted the post. Now, with sudden trouble on Broomtail Basin, the judge had a hunch that Brown wished he hadn't been re-elected the fall before.

"I don't get it," Brown said slowly. "First, that reservoir got lifted with black powder—you saw them four riders. Four cowboys, that's all they could be. Then this railroad office got blasted. No clues there, either. Now just what do you think, Your Honor?"

"I'd like your opinion, sir."

"Well, I'm always reluctant to say something I cannot back by evidence, but it looks like Cy Montana or Ross Frazier—and Montana, more than Frazier. 'Cause if this railroad does come through, Montana will stand to lose the most."

"Keep your eyes open. Something will point toward the guilty parties soon. It always does."

"I'm sure glad you rode over, Your Honor. Judge Mackenzie is all right, but it needs a strong char-

acter to cope with somethin' like this."

"Hoss Mackenzie wouldn't be much in a hand-to-hand struggle," the judge admitted. "But cheer up, friend. Have a drink?"

"Then I got that scissorbill One-Step Connors makin' my jail his home. I tried to throw him out again. He kicked an' bit an' scratched me on the face, see. Heck, reckon I will sample your licker."

"Strange character, One-Step."

Judge Bates drank. He noticed the jug was getting empty.

Ma Jacobson, her work over, came out of the kitchen.

Judge Lemanuel Bates said, "Madam, it would please me if you walked with me. I must apologize for my partner, for he was dreadfully tired. It would honor me greatly if you accompanied me on a short stroll through your village."

"Thank you, Judge. I'll get my coat."

Ma Jacobson hurried into the lobby. Sheriff Will Brown said, "Bates, I don't want to give the impression I'm buttin' into your business, but that ol' girl has been married four times. I figured you as a family man."

"Never been married, sir."

The judge left his jug behind the desk in the lobby and got his coat from the corner hanger. Then he

grandly gave Ma Jacobson his arm and they went down the steps. Lights from various stores and establishments cut yellow squares in the soft night.

"Where to, madam?" the judge asked gallantly.

"Just for a stroll."

They met a few townspeople. Once the judge glanced back and a man and his wife had stopped, staring at them. The judge smiled.

"Why the smile, Your Honor?"

"The name," the jurist corrected, "is Lem, Minnie."

"Well . . . Lem."

The judge put his hand over Ma Jacobson's. She did not withdraw her hand. They left the business section and its plank walks and followed a gravel sidewalk that went past homes.

She kept up a running chatter. Judge Lemanuel Bates listened with one ear and let it run out the other. She hoped, in a way, the railroad would build through Broomtail Basin. It would bring much trade to her hotel and to the town in general. There was talk of putting the division point in Wild Horse. That would bring in a roundhouse and many men as workers. The whole town and country would boom. But she hoped, in a way, they would run rails from Rawhide up Sagebrush Flats. For she had a daugh-

ter—an unmarried daughter.

“And with those boomers coming in—wild men—Well, it’s hard to tell about a girl, although I did try to bring Trudy up correctly, giving her a good Christian home.”

The judge assured her that her daughter was a level-headed and lovely girl. “But not nearly as lovely as her mother,” he fibbed.

“Lem . . .”

You could stand in the center of Wild Horse and walk two blocks in any direction, and you’d be out on the prairie. South of town a few rods was a bunch of black rocks. They sat in the shadows of these.

“Your partner, he seemed rather shy,” the widow Jacobson said.

“He is bashful, Minnie. But after a while, that wears off. Underneath, he’s a devil.”

Judge Bates was glad Tobacco wasn’t around to hear.

“I like him.”

Judge Bates put his arm around her ample shoulders. Her head came down and rested on his broad shoulder.

“You have never been married, Lem?”

Judge Bates told her a cock-and-bull story about

once being married, then divorced. "My wife is somewhere back East now. I have tried to locate her and the child. By this time, my son will be a man."

"And you want to see him?"

"Naturally."

"A man—or woman—shouldn't stay single," Ma Jacobson said. "I myself have been married twice. Both husbands died." The judge almost shuddered but caught himself in time. Sheriff Will Brown had said *four* times; now it was *two*. He found himself thinking that none of the four husbands had died; they had taken it on the run after seeing what they'd gotten into.

"Very unfortunate, madam. I myself have considered re-marriage, but my wife still gets alimony, and my salary cannot support two families."

Ma Jacobson took her head from his shoulder.

"We'd best get back to town."

She was quieter on the walk back, and the judge, grinning in the dark, knew why.

They came back into the town. By this time, most of the lights were out, and the judge glanced at the ruins of the Great Western office, wishing the ruins could talk.

"Trudy is home," Ma Jacobson said. "I can see the light in her room. I guess Mr. Jones has gone to

sleep, for his room is dark."

"A wonderful man," the judge said.

"I like him."

They said goodnight in the lobby—a rather stiff goodnight on the part of Ma Jacobson—and the judge climbed the stairs wearily to his room. He lit the lamp and Tobacco rolled over and regarded him sleepily.

"Where you bin, Judge? Almost midnight."

The jurist, pulling off a boot, informed him he had taken Ma Jacobson for a walk, and that they had just gotten back. He also told his partner that Ma Jacobson was very interested in him.

"Why ain't she more interested in you, Bates? You own as much property as I do, get a bigger salary each month, and you're much better-lookin' an' you got a greater gift of gab."

"But I, Tobacco, have been married. I pay alimony."

"You big liar."

"A white lie," the jurist corrected him. He unbuckled his belt. "You have never been married. You want to marry, too."

"You told her that?"

"She pumped it out of me, sir."

Tobacco reached down for his boot. He couldn't

find it. "I oughta brain you, Bates." He rolled over, face to the wall. "Whenever I get hitched, it'll be an awful cold day."

"Gets cold up here in northern Wyoming," the judge said.

CHAPTER 8

The girl was eighteen or thereabouts, and pretty as a daguerrotype. Judge Lemanuel Bates doffed his hat and said, "Pretty lady, I am looking for Mr. Cy Montana. This is his ranch, I presume."

"Cy is my dad."

"And a lucky man he is, young lady."

"Who you talkin' to, Cynthie?" The voice was feminine and shrill.

"Talkin' to a fat gink, Ma. He's got a lanky guy with him."

Mrs. Montana came out, rubbing her hands on her dirty apron. "Thought mebbe my daughter was spoonin' with some iggnerant cowboy again. Cy's in the corral, right aroun' the bend of the hill. Though if'n you're lookin' for jobs, they ain't none on the Cross H. With all this trouble, we'll be lucky if'n we come out alive."

"Thank you, madam," Judge Bates said.

He and Tobacco rode away. They were astraddle horses they had rented at the Wild Horse livery-stable; their mules were getting a well-earned rest. They found the corral and found Cy Montana and a cowboy shoeing some saddle horses. The cowman saw them and came over and climbed the corral.

They exchanged greetings, and the judge asked, "Tell us your side of this case, Mr. Montana."

Cy Montana talked readily. He didn't want the Great Western to lay rails across his land. He didn't want farmers in Broomtail Basin. His cow-punchers had settled on homesteads, proved up on them, then sold him their rights. Now the Great Western wanted to lay rails across his land and pay him the ungodly price of one hundred dollars per five miles of right-of-way.

"Not much pay," the judge conceded.

"I worked for years to build up my spread," the cowman said. "I ain't kowtowin' to no mess of New York capitalists. I won't sell. Of course, they could finally get acrost my land—seein' Judge Hoss Mackenzie's court is so blamed crooked—but they'd pay, men."

"I'm running Mackenzie's court," Judge Bates reminded him.

"I don't like judges," Cy Montana said hotly. "I don't like shyster lawyers. And no railroad is going

acrost my land!"

The judge reminded him that he, not being connected with the Great Western, knew nothing, of course, of the railroad's plans. He pointed out that if the railroad did build through Broomtail Basin, and did put a round-house in Wild Horse, there would be a big market for Cross H beef, and cattle would have to be driven to Diamond Willow, down on the Mountain Empire railroad, to be shipped east to market.

"Let that blasted pirate Ross Frazier feed the crews," Cy Montana growled.

Cy Montana, the judge guessed, was a pretty tough customer.

"What's the trouble between you and Mr. Frazier, if I may ask?"

"Any of your business?"

Anger flushed the judge's jowls. "Don't get huffy with me, my friend. Don't forget I am now the presiding judge of this county. Down in Wild Horse is a man who has been slugged over the head and is critically ill. My bench is always impartial. But it might be that some sign would point to you and your men as having blown up that Great Western reservoir." He raised a hand and shut off Cy Montana's intended words. "As judge, I can swear out a warrant for your arrest, any time I care to. And I

could have you taken into jail in town and question you."

Cy Montana's eyes pulled down. Slowly a grin creased his weather-seamed features. "Now that's the way I like to hear a judge talk, Your Honor. Well, I bin in this Broomtail Basin for over twenty years. I even killed buffalo so my cows could have some grass. Even salted down a Cheyenne or two. About ten years back, Frazier moves in on my grass."

"Enough range for both of you."

"But I was here first—"

"Don't get into trouble while I'm here," Judge Bates warned. He studied the cowman. "Can you tell me, honestly, you have had no part in blowing up this reservoir and dynamiting the office in town?"

Cy Montana raised his right hand. "On my name and my honor, sir, I had no piece of either."

"I thank you," Judge Bates intoned.

The judge and Tobacco rode away. Out of hearing Tobacco said, "Anybody can raise his hand and swear, but does it mean anything?"

The jurist admitted that some people fabricated, even under oath.

"What'd we get outa this, Bates?" Tobacco answered his own question. "Just a ride that raised a few more old saddleboils."

"We saw a pretty girl."

Tobacco spat on a sagebrush. "She was purty, at that. But her mother weren't no beauty. I wonder if'n that girl will grow up an' be as homely as Mrs. Montana? Funny how a purty girl can grow up to be so homely."

"Wonder if Trudy will get to look like Ma Jacobson."

Tobacco spat again. "Jus' forget ol' Ma, will you?"

The day was a typical fall day in Wyoming—clear and with a touch of coolness that would increase with the fall of night. They met Sheriff Will Brown down in the thick sagebrush on the floor of Broomtail Basin.

"Was out lookin' over that reservoir again," the lawman said. "Still couldn't find no tracks, what with all that water washin' them away. Hit tracks of some barefooted broncs, but them four riders you saw would use shod hosses, a man would figure eh?"

"Just keep looking," Judge Bates said. "We'll find a clue soon."

"You're optimistic."

The afternoon—and their broncs—were far gone when they reached the mighty Bar S spread of Ross Frazier. Frazier had evidently just ridden in from

the range, and the cowman was unsaddling a sweat-marked bay gelding when the partners rode in.

"Long ways from home, men."

"Too far," Tobacco grunted.

Frazier said, "Light an' rest your saddles an' tackle some chuck, huh?"

Frazier's wife was a slender woman, who seemed very timid. She put on two extra plates and served a fine meal. After eating and a drink, Judge Bates got down to business.

Frazier also objected to the railroad coming through. But he also had much land under patented deeds, as did Cy Montana. Judge Bates got the impression that, if the railroad did build through, there would be little open land for nesters to homestead. The Cross H and the Bar S had the basin sewed up, and sewed up legally.

"The logical way for this railroad to go," Ross Frazier said, puffing a cigar the judge had given him, "is up through Sagebrush Flats—that's about fifty miles northwest of here—and then across the Rockies on Bridger Pass. I was hoping their engineers would give up this idea of crossing Broomtail, but it's hard to tell what an engineer will do. They're as unpredictable as a woman."

"Ross," his wife chided.

"Who owns this Sagebrush Flats country?" To-

bacco asked.

Frazier shrugged. "Danged if I'd know. Been up in that country onct or twice—good cow country, if it rains, and it hasn't rained much now for about ten years. Not much water here, but enough for our stock without diggin' wells."

"Would you fight the railroad?" Judge Bates asked.

Ross Frazier looked at him. "Yes, if they start rails this way, I'll fight. But first, I'll do it through court; if they whip me then—that's another matter. I guess you're hintin' at: Have I been in on this dynamiting of this dam an' that buildin' down in Wild Horse? My answer is no."

"And a truthful answer," Mrs. Frazier added.

Judge Bates scowled. He believed the man. He believed Cy Montana, too. But when it was all added the digits didn't come out correctly.

Every time Mrs. Frazier went into the kitchen Ross Frazier took a nip from Judge Bates' jug. The cowman was pretty garrulous when the partners left. Frazier rode to the gate with them.

"If it ain't Cy Montana that's blowin' up these things," Frazier said, "then who in Hades it is? It sure ain't me or my hands."

"What makes you and Montana enemies?" Judge Bates asked.

"Well, we ain't what a man would call real enemies. Up till last year we always run out one wagon for roundups an' worked our crews together. But last year I got his Cross H iron on one of my spring-calves that was still suckin' a Bar S cow. Of course, Cy claimed it was an accident and wanted to brand one of his calves with my iron."

"Maybe it was an accident," Tobacco Jones suggested. "Maybe the caller called out the wrong iron to the brandin' hand."

Frazier shook his head stubbornly. "Me, I don't figure so. . . . Well, this year we run out our own wagons. We might run a drift-fence up to keep our cows from mixin'."

"Then your troubles would boom," the judge said.

The night was dark and the wind was chilly. By this time the jurist's jug was almost empty and he killed it. He wondered where he could get some good whiskey to refill it.

He had sampled the best in both the Bridle Bit and The Last Shot. Neither had a taste of whiskey worth hollering about unless the drinker hollered because of the poor quality. He had only had one real good drink, outside of his jug, in the town of Wild Horse.

That had come from One-Step Connors' flask there in the jail.

Many thoughts were running through the jurist's agile brain. He was trying to get the numbers into rows, to align them, to add them up. He would have liked to believe both Cy Montana and Ross Frazier. But at this stage of the game, with as little evidence as he possessed, he had to be suspicious of both the cowmen.

The memory of that bullet, coming out of ambush, burned in his memory, a red-hot coal that would not be dimmed or turn cold. Plainly he and Tobacco Jones were not wanted in Broomtail Basin.

No wonder Judge Hostetler Mackenzie had taken to his bed, nursing an illness. For Judge Mackenzie was no horseman, no gunman. Neither, for that matter, were he or his postmaster-partner gunmen in the strict sense of the word.

"We oughta pull out," Tobacco grumbled. "This Hoss Mackenzie pulled a dirty trick on us, Bates. Hades, he ain't sick. He's hit his sogans to get out of trouble. The term of court you come for is done with—lasted all of five minutes . . . too."

"Somebody shot at us, from ambush."

Tobacco spat. "Yeah, that's right." They rode a quarter-mile in silence. "Naw, we ain't runnin' Bates. We're stickin' till the last coyote is roped an' cut down, friend. Even Ma Jacobson can't run me out now."

"Stout and good talk, *compadre*."

"We're ridin' nowhere in a heck of a rush," the postmaster said slowly. "Two cowmen, both buckin' the railroad, an' both innercent . . . so they say. Could there be a third party out somewhere who'd try to keep the railroad out?"

The judge admitted he had thought of this angle. But for the life of him he couldn't reason out who this party would be, and what would be his reason. He had boiled it down to its single element.

This element was land. At the present time, this land was owned by Cy Montana and Ross Frazier. Nobody else, to the best of his knowledge, owned any land in Broomtail Basin.

"It's got me," Tobacco admitted.

"Every case has to break," the judge said.

By the time they reached Wild Horse the night had progressed so far the only light was in the hotel lobby. Sure enough, Ma Jacobson was behind the desk.

"Would you care for a bit of warm tea, gentlemen?"

The judge assured her that he only desired to go to bed. Then he added that Tobacco would surely like some tea—back home he drank tea each night before going to his sogans. At this the widow beamed.

Tobacco turned wicked eyes on his partner. Judge Bates had made up the whole tale, for Tobacco always was fussy about going to bed with an empty stomach.

“Come into the kitchen, Mr. Jones?”

Tobacco was trapped. He glared again at the judge, but that worthy was already climbing the stairs to their room.

Unnoticed by the widow, the postmaster spat viciously on the floor.

CHAPTER 9

The doctor said, "He is still in a weakened condition, Judge Bates. His skull is fractured. Evidently he has been slugged by the barrel of a heavy gun."

"Do you figure he will pull through?"

The doctor, a small, well-dressed man, frowned and drummed his fingers on his desk. He had turned his dwelling-house into a two-bed hospital, having the rooms on the back of the house. Judge Lemanuel Bates, his ears ever pinned back for information, had learned that the medico had contracted tuberculosis back East, and had come to Wild Horse four years before—not so much as to practice medicine as to regain his health.

The medico rattled off some medical terms that the judge understood clearly, but that the doctor figured were just terms to the jurist. The guard had suffered a fractured skull and there was therefore some pressure against his brain.

"He has a fifty-fifty chance, Your Honor."

"I'd like to see him."

The doctor took the judge through a hall that smelled of chloroform and the other various smells that inhabited doctors' offices and hospitals. The room was darkened, and the medico raised the blind a little.

Judge Bates stood beside the bed. The guard was evidently either unconscious or asleep.

The doctor took his wrist and said, "His pulse is fast, sir."

Pity struck the corpulent jurist. This guard, so he had heard, had a girl back in St. Louis—a girl still in grammar school. His wife had died the year before, and he had gone West because he needed work and with the hope he could find land and locate and then send for his motherless daughter.

He had stood there, guarding the reservoir, and somebody had sneaked in behind him, smashed a pistol barrel across his head, dragged him to one side out of danger, and then had blasted the dam to bits.

But the judge was not worrying about the dam. It could be rebuilt. But a human life was valuable; no price could be set on it.

The eyes opened. They looked up at Judge Bates and the medico, but they did not see them. Slowly

they closed.

Judge Bates shook his head and silently left the room. The doctor slowly closed the door.

"Maybe he could tell me something, if he could talk." Judge Bates spoke quietly. "And maybe he couldn't. The night was dark and his attack was sudden, I understand."

"Now and then he babbles. I'll listen carefully, Your Honor. So far, he has just discussed his girl."

"Have you notified her?"

"We don't know her address. And then, she's just a little girl, and it would strike her hard. So we are sending out no telegrams just now unless he suddenly takes a turn for the worse." The medico spread his hands. "And she'd come after he had passed on, anyway."

"No use notifying her, Doctor."

Tobacco was coming toward the medico's office, and the jurist met him on the corner. "I finally got away from the widow's breakfast table," the postmaster said. "Bates, do me a favor, huh? I know you like to horse-play and joke, but don't encourage that woman any more, huh?"

Judge Bates noticed the desperate note in his partner's voice. He promised, in all sincerity, he would not drop another hint to Ma Jacobson. "But how about her daughter?"

"You can sure encourage Trudy," Tobacco assured him.

"You're just like a Cheyenne buck. The old bucks always want young squaws so they can get more work out of them."

"What about this guard?"

The judge told him.

"I spent half the night tryin' to think this out," Tobacco grumbled. "I still am ridin' a hoss on a merry-go-round, Bates."

"You've got company," the jurist said. "I'm on that same merry-go-round, only I'm ridin' the lover's tub, not a painted horse."

"What'll we do, Len?"

The judge reminded him they hadn't talked to any railroad officials yet. He'd get his jug filled and they'd saddle their mules and head for Rawhide, the end of the rails. By this time, their mules would be rested.

"But I'm not rested, Bates."

"I reckon," Judge Bates said, "I've heard that for thirty years, Tobacco."

Tobacco sighed. "Thirty years only? You make me feel like a spring chicken, Bates."

Tobacco went to the livery-barn to saddle their mules. Judge Bates went into the Bridle Bit and asked to sample the finest of that emporium's whis-

key. He sipped, then shook his head, and crossed the street to The Last Shot Saloon.

"What's wrong with him?" the bartender wondered.

The Last Shot's whiskey—its top grade—turned out as awful as that in the Bridle Bit. "That your best, bartender?"

"Twenty years old, aged in oak."

"Not distilled down finely enough."

"Sorry, Your Honor."

The judge went to the jail. Sheriff Will Brown was out in the country, the jailer said, and was evidently still searching for some clue as to who had blasted out the reservoir.

His Honor went back and found One-Step sitting in the bull-pen, feet on the desk, a warm fire in the stove. Opposite One-Step sat another old fellow, who evidently had been jugged the night before for drunkenness, and was still sourly nursing a hangover.

"I have company, sir," One-Step said. "Stand up and shake hands with Judge Bates, Juanita."

"Juanita?" the judge asked.

"A feminine name, of course, Your Honor. A name conjured by my mind on some idiotic whim not accountable to my personality or to scientific advancement. Really his given name is George, his surname Hannibal."

"Looks like he just crossed the Alps on his head," the judge said.

Juanita George Hannibal did not shake hands. "I can't joke this mornin'," he said. "You goin' give me a floater outa this burg, Jedge?"

"If you want one, sir."

"I think it would be best for me," Juanita said. "Then I'd escape this rascal's ill-famed company."

"That, Juanita, is an insult!"

One-Step Connors' voice held a hurt dignity. But the drunk winked at Judge Bates. Juanita glared at him for a moment and then again lowered his head into his arms on the table.

The judge took a chair and became sociable. He praised One-Step on his education and great fund of knowledge. He praised him as a student, a scholar, and a gentleman, adding that sometimes, though, the gentleman in him was submerged under the influence of one John Barleycorn. Juanita's snores came thin and distant, for his nose was pushed against a grimy sleeve of his coat.

"You crave a boon, Judge Lemanuel Bates?"

Judge Bates smiled. "You're too darned smart, One-Step. Yes, I crave a boon, as you say. The best whiskey in this town is that which you had in your flask. Is it possible to get a gallon of it?"

One-Step watched him, eyes twinkling.

The judge waited.

One-Step said, "You are a sterling man, Judge Bates. You are a great judge of mankind and his strengths, his frailties. You are a judge—a competent judge—of good whiskey and undoubtedly a judge of fine women. Am I right?"

"Much as I hate to admit it, I believe you are right."

Juanita snored louder.

"If I take you into my confidence, Judge Bates, do you swear to keep my secret to yourself and not act in your legal capacity and therefore prosecute me further?"

"I do."

"Then, sir, the gallon is yours." One-Step held up his hand. "No, no awful money is involved, sir. This is gratis, a gift from my welcome heart to yours."

"You mean *throat*, not heart." The judge sighed. "And I shall pay you, sir, whether you like it or not!"

Juanita looked up. "Hit him again." He put his head down and snored again.

One-Step glanced toward the sheriff's office, but the door was closed. He pointed at a big copper kettle on the stove. "That kettle, sir, is supposed to cook my mulligan. Now come with me, please?"

They went to the rear of the bull-pen. There was an eye-latch on the floor, bolted down, with a lock in it, and One-Step opened this lock easily, using a key made of a piece of metal. He lifted the hatch-door, and Judge Bates knelt and looked into a cellar, barely making out sacks stacked in a neat row and a wooden barrel in the far dim corner.

"It is only by oath, Your Honor, that I show you these implements."

The sacks, One-Step elaborated, held chicken-feed for Sheriff Brown's flock. It seemed that thieves had once looted the sheriff's feed-house and stolen some sacks of chicken-feed, and the feed was hard to get, being hauled in by freighter wagons. So the sheriff had stored his chicken-feed in this cellar.

"He figured, Your Honor, that it would be safe here, under lock and key, with only himself having the key. Those sacks contain wheat and corn, sir."

One-Step Connors lit a match and let it drop to the earth floor below them. "Now look good at yonder barrel, sir."

The judge did, and whistled softly.

One-Step dropped nimbly, despite his game leg, into the cellar, taking Judge Bates' jug. While he was in the cavern, the jurist inspected the copper kettle on the stove. The copper tubing ran into the wall, a few inches behind the stove, then evidently

took a bend down dripping its contents into the barrel in the cellar.

One-Step stuck out his scraggly head, looking like a gopher with whiskers. "Here is your vessel, sir; filled to the brim."

Judge Bates slapped a heavy hand against his thigh. "Making whiskey in jail! Right under Sheriff Brown's nose, too! And he thinks you are cooking mulligan for chuck!" He sobered suddenly and regained his judicial mien. "But this, sir, is a direct violation of Federal Laws, for you pay no tax on your whiskey."

"I swore you to secrecy, my friend."

"And that you have, sir, and that you shall receive. I owe you, sir, for this fine brew?"

"Two bucks."

The judge dug. "Not enough, sir. Too cheap." He gave One-Step three silver dollars. The prisoner dropped two into his pocket and the jurist heard it join other coins. He then returned the single dollar to the jurist, putting it himself in Judge Bates' pocket.

"To you, my friend, the price is two bucks."

"May I ask one question: Are you selling this whiskey outside?"

A frown crossed One-Step's dirty forehead. "I must confess—alas—that my outside man here—"

a thumb jerked toward the snoring Juanita “—in one of his drunken moments, sold a quart to an equally drunken Cross H cowboy. I have issued orders to him not to sell another drop or I shall shut off his supply. He was deliberately jailed—he deliberately picked trouble with Sheriff Brown last night. He wanted to come in and have a long rest on the county’s expense.”

“Sheriff Brown,” said the jurist, “is an ignorant fool.”

“An unlettered man, Judge Bates. Unskilled in conversation, in legal enforcement, in the proper use of his pronouns. But do not bother him, please. Were an intelligent man to take his place, our game would be over. See how quickly I can disconnect this copper tubing leading into the wall?”

A snap, and the tube was loose, under the stove. And to a casual observer such as Sheriff Brown, it would appear only a harmless copper kettle was simmering on the stove.

“I hope to spend the rest of my life here, Judge Bates.”

Judge Lemanuel Bates was blinking a little when he came out on the sidewalk. Part of the blinking, though, was caused by the slant of the sharp Wyoming sun. Then that blinking suddenly passed.

Two men were fighting in front of the Bridle Bit

Saloon. They had just broken out of the bar, the door still swinging behind them.

One was Shorty Betton, range-boss for Cy Montana's Cross H iron. And the other, Judge Bates noticed hurriedly, was Tobacco Jones.

CHAPTER 10

Shorty Betton, head down, was digging in, fighting hard. And Tobacco Jones, tobacco juice running down his chin, was moving backwards, dodging and ducking. Judge Bates stopped beside the bartender, who had come out to see the fight.

"What're they fighting about, White Aprons?"

"Shorty gets mean when he's drunk. He came into town this morning and started to drink. Jones came into my establishment lookin' for you. Shorty glared at him an' told him to stop walkin' on his boots."

"Deliberately picked a fight, huh?"

"He sure did. 'Cause Mr. Jones, wasn't at any time within twenty feet of him. But when Shorty gets drunk—the first thing he wants to do is fight—an' Jones was handy— That was a tough one Jones just stopped!"

The blow had sent Tobacco Jones back a foot or so. And Shorty Betton, using his advantage, pulled in fast, aiming to knock Tobacco Jones down. But

Shorty was too drunk, and his wind had run out on him. Tobacco, although older, had more wind. He straightened Shorty with a hard right fist.

Shorty stopped, pain and surprise across his thick face. He hit and missed, and Tobacco Jones knocked him down again. A man reached down and took the Cross H range-boss' gun out of his holster. This time, Shorty stayed down.

"Never knowed that ol' pelican had that much fight in him," a townsman grunted.

Tobacco breathed heavily, catching his wind. Shorty sat, head down, rubbing his jaw slowly. One of Sheriff Brown's deputies, a pot-bellied man, pushed through the crowd. "What's the matter here?"

"You're only about ten minutes late, as usual," a man grumbled.

The judge got Tobacco up on the sidewalk and away from the crowd. He asked what had happened to bring on the fight. Tobacco's story was the same as the bartender's. Shorty Betton had accused him of stepping on his foot.

"An' I weren't within twenty feet of the critter, Bates. I just went in lookin' for you to tell you the mules is saddled. He just wanted a fight, that was all, an' I reckon he got it—an' plenty of it."

"Just troublesome."

Tobacco Jones flared up with, "An' I'll bet Cy Montana sicked him on me, Bates. I tell you, that Montana gent is the cur behind all this. I can feel it in my bones. I'm sure he is. We oughta jug him, just for the devil of it."

The doctor looked at the cut over Tobacco's left eye. "Doesn't need any stitches," he said. "You intend to press charges, sir?"

"I oughta."

Judge Bates walked back to where Shorty Betton still sat on the ground. He said roughly, "Stand up, prisoner!"

"I'm no prisoner."

"That's what you think. Deputy, get him on his feet, and get him up pronto." Anger rimmed Judge Bates' voice. "You are now standing before a court of justice, sir."

The deputy got Shorty Betton on his wobbly boots, Shorty had what would soon be a black eye, and his nose didn't track right.

"Fat Man—"

Shorty Betton's words were choked short as Judge Bates' beefy hand contracted around his neck. The judge shook him as a terrier shakes a muskrat. "Address me, sir, as Your Honor."

Fear lit the Cross H foreman's eyes. "Your Honor."

"That's better."

"This town needs a lot of your treatment, Judge Bates," a grocer said soberly. "Throw the lib'ary at him."

"I'll work you over, Bat Crawford!" Shorty Betton glared at the grocer.

"You touch Mr. Crawford," Judge Bates intoned, "and I'll see you land in the territorial pen, prisoner. You are found guilty of inciting a fight, of brawling on the public streets, endangering the lives of women and children by your antics, and of violating the community peace."

"I'm not guilty."

"You are guilty. Deputy, how much money has he on him?"

The deputy searched Betton. He said, "This much, sir," and held out a mixture of paper money and silver coins.

"You are hereby fined that sum, prisoner. Deputy, turn the money into my office at a later date. Do you own the horse you ride, sir?"

Shorty studied him. He said, "No, Cy Montana owns him," and Judge Bates knew he was lying.

"That bronc, prisoner, is now the property of this county. As an additional fine, I fine you two month's wages, as yet unearned. Tell Mr. Montana to report to me when next he is in town and to bring in the money."

"Your Honor—"

"Case is dismissed," the jurist clipped. "Now Deputy, take him to the outskirts of town, head him for home, and kick him hard in the seat of his trousers. You hear me?"

"A pleasure, Your Honor."

"This court, by my order, is recessed," Judge Bates intoned.

The deputy, holding Shorty Betton by the arm, started him down the street. A few townspeople crowded around Judge Bates with congratulations. One openly said he hoped the judge would fix things so the railroad could cross Broomtail Basin. "It would bring much dinero into this burg. Your Honor."

"That is not for me to decide. My position requires that peace be maintained. The decision to cross this basin depends upon the railroad and its settlement with Mr. Montana and Mr. Frazier."

The judge and Tobacco went to the livery-barn. Tobacco was washing his face in the watering-trough when a man came in, chuckling. "Deputy Peterson sure booted him, Bates. Kicked him right in the rump. Shorty almost fell down. He's hikin' for the Cross H now. Them boots of his'n sure raise blisters."

The judge nodded.

They got astraddle their mules. Tobacco wiped

his face with his bandana. His upper lip was swelling rapidly. "One good thing'll come out of this, Bates. With my mug beat up like this, the Widow Jacobson can see how homely I am, and switch her lovin' attentions to you."

"Heaven forbid."

They put their mules to a lope, heading east. A day's rest had put new life into the wiry mules. Tobacco said, "He opened up that cut over my eye—that one I got busted open in that Post Hole Valley fracas."

"Not a bad cut, though."

They met Cy Montana on Willow Creek. The cowman glanced at Tobacco's face but made no comment. He was out hunting a stray bull, he said. Judge Bates told him about the fight and the way he had handled Cy Montana's range-boss.

The jurist loaded his words with implication.

Cy Montana's leathery face grew hot with anger. "I never sicked Shorty onto your partner, Bates! Shorty has the rep of being mean when he's drinkin'! Besides, he wasn't supposed to be in Wild Horse town—he rode out this mornin' for Beaver Dam line-camp, aimin' to look for a cougar over there. But he's done sneaked into town, the runt."

"You owe his next two months' wages to the county."

"What if I don't pay?"

The judge shrugged. "That's up to you. But I can assure you this, Mr. Cowman, if you don't pay you'll sit out sixty days in the local jail, and in the next cell will be your foreman, one Shorty Betton."

"Bates, you can't run this country."

"I am running it. And if Sheriff Brown and his deputies can't jail you two, then the territorial militia from Fort Cheyenne can jail you—or bury you. And when you refer to me, I'm not 'Bates'—I'm Your Honor, sir."

Their gaze met. Montana was the first to look away.

"The money will be delivered, B—Your Honor. I'll pay you the next time I get into town, which should be tomorrow."

"That is good, sir."

The partners turned to ride on. Cy Montana said, "And make sure the money is turned over to the county treasurer!"

Judge Bates held his mule by severe reining. He asked quietly, "How much does your foreman make a month?"

"Thirty dollars."

"Then, for that remark, I am fining you—personally—two months of Mr. Betton's salary. That means, sir, you turn over not sixty dollars to the

county, but the sum of one hundred and twenty. And if you make another remark, sir, reflecting upon my honesty, I shall double that fine, and require you to pay all of it from your own pocket, charging none against Mr. Betton."

The knuckles of Cy Montana's right hand, resting on his saddle-fork, were strained and white. He looked at Tobacco Jones. The postmaster had his hand on his pouched .45.

"You're not gettin' popular, Your Honor."

"With you no."

Montana nodded. "I'll pay it. I owe the county one hundred and twenty bucks." He roweled his pinto savagely and loped away.

The partners rode on. Tobacco chuckled suddenly. "We sure know how to lose friendships in a hurry, Bates." He winked. "I mean, Your Honor."

Judge Bates showed a small smile. He agreed that when the time came to be tough, a judge had to be tough. He judged that Cy Montana had ridden a tall saddle for too long on this grass and it was due time that somebody jerked him out of that kak. Ross Frazier was due to take a fall, too.

For His Honor was in an angry mood. For three days he and his partner had been bucking a stacked deck and they didn't know yet who was dealing the cards. He had a few plans in his head,

though, and he did not reveal these to Tobacco. Later on, if nothing constructive was found—either through chance or guesswork—he would act on one of those plans.

About five miles further on, a rider came down off the foothills on a sorrel, and they saw he was Ross Frazier. Frazier informed them that he was also looking for one of his bulls that had strayed.

“Must be a habit,” Tobacco grunted.

“What d’you mean by that?”

The judge told about Tobacco’s fight, his treatment of Shorty Betton, and their run-in with Cy Montana. Frazier leaned back in a saddle and slapped his bronc on the wethers.

“That’s good medicine,” he said. “Your Honor, you should have been on the bench here a long time ago.”

“Nothing to laugh at, Mr. Frazier.”

Ross Frazier stopped laughing. He studied Judge Lemanuel Bates. Suddenly he got a new—and true—insight into the jurist’s character. Up to now, Judge Bates had seemed an easy going, good-natured heavy-set man. Now he was grim and thick with authority.

Ross Frazier suddenly remembered tales he had heard: How Judge Bates, aided by Tobacco Jones, had turned the tide against old Jed Lipp, up on Bon-

anza Creek, when Lipp was hard-pressed by desperadoes; how the partners had brought peace—by shotgun and bench—into Post Hole Valley.

"I guess it ain't funny," he said lamely.

"Legality shall hold this range," Judge Bates assured him.

"That's right, Your Honor. Well, I gotta get goin'. Glad to have met you men again."

Frazier loped toward the west. The partners continued toward Rawhide and Tobacco Jones suddenly chuckled.

"You sure hatched that hen's aigs in a hurry, Bates."

Judge Bates had no answer.

Their trail led them past the reservoir. Jocky Smith and his crew were refilling the blasted area with dirt, pulling it in with fresnos that had four horses hooked to them.

According to Smith, the railroad official had arrived, and told them to go ahead and refill and rebuild the dam. Then he had ridden into Wild Horse to see Sheriff Will Brown.

"He demands pertection the law is supposed to give citizens," Jocky Smith said, smiling.

"And with me on the bench," Judge Bates said, "he'll sure get it."

CHAPTER 11

The partners spent the night at the railroad camp.

The district superintendent and another official were in the dirt camp. Word had got back to them that the reservoir had been blown up. The superintendent had sent his assistant out to look at the scene.

"We might not go through Broomtail Basin," he told the judge and Tobacco Jones. "Each day is precious, and we can't have our men stand around and mark time. As it is, the fill and rails will reach this point in a few days—they're at Goose Bend now."

So far, the partners had been under the impression that the rails had been laid to Rawhide. They talked and then went in for chuck. After chuck, the superintendent got out a deck of cards and some chips, and started a poker game, dealer's choice.

By midnight, Judge Bates had won almost a hundred dollars. The superintendent, who had lost to

both Tobacco and the jurist, was getting grouchy. He kept taking deep pulls at the judge's jug.

"Fine whiskey, Your Honor. Where did you procure such an excellent brand, and what is its trade-name?"

"Old Fence Post," the judge fibbed. "I got it in a Wild Horse saloon. I raise you five, sir."

"I'm staying," Tobacco said.

The judge raked in another pot. "Then you figure perhaps, you'll lay rails up into Sagebrush Flats, huh?"

"Yes. We can buy right-of-way there. The price, though, is rather high, but even at that, with fall coming down on us, we can still save a little money. We'll wait for Mr. Straw's report."

Mr. Straw, the partners knew, was the official who had ridden into Wild Horse, looking for them and Sheriff Brown.

The sound of the cook's bell awakened them. The superintendent was still snoring, and they dressed without awakening him. They ate breakfast, eyed by the crew, and went outside. Teams and fresnos and skidders were heading for Goose Bend, and they could hear the distant puff of the steam engine, getting ready to lay rails.

They could not see the locomotive, for the toe of the hills hid it.

A team went by, the driver trotting behind his four horses. Tug chains rattled and dust rose in a fine cloud. The cook's flunky threw out a pan of dish-water, almost hitting a skinner who was coming in the door.

For a while, it looked like a fight.

The cook came out with a long breadknife, and the skinner, seeing it, hastily went to the mangers built of logs in the middle of the camp of tents and lean-tos. The cook glared at the partners.

"You two bums get your bellies full? If yuh have, hit the dust outa here. I'm not cookin' for range-bums."

"We'll go," the judge assured him.

Their mules had eaten good hay all night. They watered them in the spring and rode toward Wild Horse. The sun was up but the wind was chilly. Luckily, it came from the east, and was behind.

"That super got purty well pickled," Tobacco said. "Well, what did this ride accomplish; Bates, besides renewin' old friendships with old onfriendly saddle-boils?"

"We have the name of the attorney back in Kansas City who is handling the transaction for the land in Sagebrush Flats, if the road does build that way."

"What good will that do us?"

"Never can tell."

Tobacco started to rub his jaw, then remembered it was still plenty sore. "Wonder who does own that Sagebrush Flats country. How could a man find out, Bates?"

They could wire to the territorial land office in Cheyenne, the jurist said. That office would know who owned that particular territory. Tobacco frowned at that idea. To get a wire into Cheyenne would call for a ride to Diamond Willow the town to the south twenty-five miles. A wire from the telegraph line, back beyond the Rawhide junction, would not make contact with the Mountain Empire line to Diamond Willow, for no cross-line went to the Mountain Empire Railroad.

"One of us might have to ride into Diamond Willow," the jurist said, "and send off a wire. Somewhere it seems to me that maybe this Sagebrush Flats deal ties into this trouble in Broomtail Basin."

Tobacco snorted. "How could it, Bates? Has your brain pulled its picket pin? Fifty long miles from Wild Horse to Sagebrush Flats, they tell me."

The jurist had no answer to that. They met a rider about ten miles out of the railroad camp. The jurist introduced himself and Tobacco and asked if the rider were Mr. Straw, and his assumptions turned out correct—this man was the railroad superintendent's assistant.

"Glad to know you, Judge Bates, I heard talk of you down in Wild Horse."

The judge shook his head in feigned sadness. "Bad talk, I suppose."

Mr. Straw did not catch the joke. "No, Your Honor, I heard high and praising talk. With you in the saddle, I am sure the railroad company can put through its lines." He winked at the judge.

Play with the railroad, that wink said. Play hand in glove with us and get our lines through and we'll see a nice fat bonus gets into your mail. And it won't be a check; it will be in hard cash or in good United States paper money. It has been done before, Your Honor.

But Judge Lemanuel Bates only felt anger. "Sir, I will have you understand that my office and my decisions are impartial. I can fully see the side of Mr. Montana and Mr. Frazier and I appreciate their backbone and determination, for these are valuable assets to any man."

Mr. Straw's weak jaw showed a little slack. Up to now, the railroad had bought its way across Nebraska and Missouri and money had shoved any obstacle out of its path. He could hardly believe this.

"I did not mean it that way, Judge Bates."

"I am glad I misunderstood you, sir."

The railroad man said, "It points up this way,

gentlemen. Within a few days our rails will meet Rawhide. The next decision is this: Will we push on into Broomtail Basin, or will we go northwest into Sagebrush Flats? Our present decision is to go through Broomtail Basin."

Judge Bates warned, "You will have a stiff legal fight, sir. I understand the deeds of Mr. Montana and Mr. Frazier to the right-of-way you seek are registered and recorded and otherwise in legal, tip-top shape."

"We can seek condemnation proceedings."

"They will be aired in my court, sir. I will abide by the strict letter of the law. I can see no chance of you winning this case?"

"There are other ways, then."

"And these, sir?"

Straw's jaw tightened. "Means we have used before, Judge Bates. We have Irishmen and Poles and Italians, and they'll fight for their eats. They'll get clubs, and we'll put in goons and ginks to beat those cowmen. If we cannot whip them in court, we'll beat them outside of court."

"You try that," the judge warned, "and the territorial militia will be in here, and this area will be under martial law, and I'll head that martial law. Think a long time before you do that sir."

Straw said, hotly, "You've turned against your

class, Judge Bates!"

"There, sir, you are wrong. My class is the working class, for I came out of the hills of Tennessee. But I do not let my past obstruct justice and human rights in my courts. Now turn your horse and go immediately before I lose my temper."

"To hell with you!"

Nevertheless Straw loped away, and loped fast.

"An arrogant son," the judge mumbled. "How I would like to have him stand before my bench, Tobacco."

"You might get him there, Bates."

The anger left Judge Lemanuel Bates as he unstrapped his jug and again tasted the savory smoothness of One-Step Connors' brew.

"A man should never ponder on the unsolved riddles of the past, Tobacco. He should keep eyes to the future and the present, for the past is dead beyond recall, but still I cannot help remembering."

"And that, Bates?"

"Mind those four riders we saw, the night friend Jocky Smith bestowed us in the Wild Horse calaboose? Had we been close enough to see them clearly, we would have had definite clues either pointing to Cy Montana or Ross Fraizer, or completely eliminating those two worthies."

Tobacco was realistic. "But we weren't close

enough, Bates."

"A regrettable fact, sir. A trick of subtle fate."

They stopped at Jocky Smith's dirt camp for dinner. The cook was growling about running low on supplies and Smith told him rather angrily to stop bellyaching, for a wagon-load or two of supplies would come in that night from Rawhide.

Smith also said that Straw had told him to go ahead with the reservoir and refill it from the well, pumping up the water with a small steam engine that was stoked by cordwood. Straw had also ordered them to continue sinking down the dug-well they were drilling down in the basin.

"The big push back at Rawhide hinted the rails might go through Sagebrush Flats," Tobacco said, speaking around a forkful of antelope steak.

Jock Smith studied the postmaster. "Straw sure never told me that, Mr. Jones. What did you find out, Your Honor."

The judge said he had understood approximately what Tobacco Jones had stated. "Perhaps an overlap of authority, Mr. Smith. Sometimes that happens with big companies, you know."

"Reckon I'll just keep crews working, then." Jocky Smith speared another slice of antelope steak. "But 'pears to me the logical step would be to drive rails up into Sagebrush and acrost Bridger Pass."

The judge and Tobacco got their mules and

headed toward Wild Horse. By this time, with two days consecutive travel under the saddles, the mules were getting leg-weary. The pair kept them at a fast walk.

"Yonder," Tobacco said.

A rider had come down off the hills about a mile away. He was heading toward them. "Looks like our friend Shorty Betton," Judge Bates said.

Evidently the rider suddenly recognized them, for he turned his pony and rode east, deliberately avoiding meeting them.

"That *is* Shorty!" Tobacco chuckled. "He sure don't cotton to meetin' us, either. He swung east in a whale of a hurry."

They left their mules in the livery-barn and went to the courthouse. Sheriff Will Brown sat with his feet on his desk and his brows pulled down. "Reckon you had quite a mess yesterday, Mr. Jones, while I was out in the country?"

"Interestin'," Tobacco murmured.

The judge asked if Cy Montana had been in to pay off his one hundred and twenty dollars. Sheriff Brown said he had been in that same morning. He opened a drawer, and the judge counted one hundred and twenty dollars and five cents.

"Cy said the five cents was your commission, Your Honor."

Judge Bates smiled. Evidently the cowman had a

wry sense of humor. He gave Sheriff Brown a receipt for the money—adding the nickel to the receipt—and he turned it over to the county-treasurer, getting a receipt from him.

The treasurer put the money in his safe. "Biggest fine levied in the county for years. We need you here more often, Judge Bates. That more than pays my salary for a month. This county needs higher fines, and more fines, coming in."

They went outside.

Tobacco said angrily, "Pay his wages for a month. . . . That's all he thought about, the idiot. And him a county official, with the trust of the voters in him. . . . County parasite, Bates."

Judge Bates smiled.

CHAPTER 12

Judge Bates was riding a bronc, a high-pitching, stiff-legged, bucking bronc. Somebody was hollering encouragement. Probably the rest of the cowedogs gathered around the corral, the judge thought.

Suddenly the bronc threw him. He was awake. But still he was shaking, or being shook. Then he realized Tobacco Jones was shaking him by the shoulder.

"Wake up, Bates, an' quit your jerkin'."

"What is it, Tobacco?"

For the first time, His Honor noticed that the pot-bellied deputy was also in the room. The moonlight, thin through the open window, showed on the deputy's shiny badge.

"You sure sleep sound," Tobacco growled. "Here this deputy almost knocks the door down gettin' me awake, an' I have to shake you to make you come to."

"Somebody done blasted up that wagon-load of chuck," the deputy said shortly.

The jurist remembered the wagon-load of grub that Jocky Smith had said would be delivered that night in the dirt-camp at the reservoir. He was wide awake now, pulling on his trousers.

"What time is it?"

"Right after midnight."

By now the judge was fully dressed, even to his jug and his .45. The deputy told him what little he knew.

"The driver came stumblin' into the Cross H Ranch. Cy Montana an' Shorty Betton hauled him into town with a rig. He claims a man must've caught his wagon by the end-gate, sneaked up behind him, an' slugged him to sleep."

"Yes."

"Then this feller—or fellers, whichever it was—drug him to one side an' put dyneemite under his load, after unhookin' his four mules. They sure lifted it, he said."

"I see."

"Well, this driver headed out on foot, forgettin' to unhitch a mule an' ride him, an' he staggered into the Cross H camp, an' that's the story, Your Honor."

"Another dynamitin'," Tobacco growled.

Ma Jacobson, wearing a robe, stood in the lobby, big as a young colt. Beside her, slim and pretty, a robe over her nightgown, stood Trudy. When they hurried out, Tobacco glanced quickly at Trudy, but completely ignored Ma.

"What's the matter?" Ma demanded.

"Horse kicked the ol' hostler an' busted his leg," Tobacco growled. Outside, he said, "Nosy ol' battle-hatchet, Bates. Always jabberin' questions."

"A woman's right, Tobacco."

"My wife is the same pattern," the deputy said.

The old hostler was asleep in the barn. The deputy threw a bucket of water over him after they had saddled horses. Then he hit his stirrup and galloped out the back door, following Judge Bates and Tobacco Jones.

Behind them, the hostler was hollering curses.

Neither the jurist or his partner had seen this bit of horseplay, for they had already been out of the stable. Judge Bates asked, "What's the matter with him?" and the deputy said, "I scooped a bucket of water outa the hoss trough an' woke him up. He prob'ly figures a Cheyenne buck has slapped him in the mug with a wet scalp."

"Poor old man."

Tobacco eyed his partner. "Poor ol' man, Hades. He's a crabby ol' sucker. He needed it."

According to the deputy, Sheriff Will Brown, accompanied by Cy Montana and Shorty Betton and the teamster, had ridden ahead, and Sheriff Brown had sent him to awaken Judge Bates and Tobacco Jones.

They rode fast, but they never caught Sheriff Brown and his party. The judge and Tobacco had slung their saddles on the first broncs they had seen, back there in the barn. They had, by luck, picked out fresh broncs, tough broncs.

They ate up the miles, dust sifting in the moonlight behind them. They hit the toe of the hills, about four miles out of town, and the deputy said, "There she be, men. The wagon is still smokin'."

Ahead, on a sidehill, was a small fire.

When they got closer, they could make out the identities of the men grouped around the fire. Sheriff Brown, Shorty Betton, Cy Montana. Also there were the slugged mule skinner and two other men, one of whom turned out to be Jocky Smith, the other his cook.

The men heard their horses and turned, and Judge Bates caught the glint of a rifle barrel.

"Coming in," the jurist hollered. "Bates, Jones, and the deputy."

The rifle slanted downward again.

The mules were tied in a grove of bullberry

bushes. Judge Bates went down, bridle-reins ground-tying his borrowed horse.

"Whole thing a loss," Sheriff Will Brown said sourly.

Jocky Smith said he had been up late, playing poker, and, while going to his tent, he had noticed the fire, and he and his cook had ridden over to investigate, fearing the worst.

"Lemme fin' out who's doin' this, Your Honor, an' I'll bust his neck with me bare hands!"

The dirt-boss, Judge Bates noticed, sounded sort of angry.

Cy Montana said, "Somebody sure used the right amount of powder. Not too much; just enough. Must be a good judge of powder. That tells us it's somebody who has worked around powder a lot."

"An' that's just about all it does tell us," Sheriff Brown mumbled.

The driver was shivering. Although Judge Bates hated to question the man because of his nervous state, nevertheless the jurist plied him with questions. Had he any clue as to who had slugged him? Had he heard any names called? Had it been one man, or two—or possibly more—that had blasted his wagon?

The man spoke slowly. "Now that you do mention it, sir, I believe there was more than one man, at that. I heered somethin' behin' in the wagon, savvy.

I started to turn an' somethin' beaned me, but right afore I passed out I'd swear I heard a man holler, 'Sock him again, Shorty.' "

"What was that name?"

"Shorty. I swear to it."

There was a silence broken occasionally by the snap of a burning ember. Judge Bates did not look at Shorty Betton who, so far, had completely ignored him and Tobacco Jones.

But the implication was there. It lay between the men, although nobody mentioned it until Shorty Betton spoke.

"I know what you're all a-thinkin'. But I can say this, they's more'n one gent roamin' the hills who's named Shorty."

Cy Montana spoke for the first time. Shorty had been at the Cross H; he had witnesses to that. Shorty had been home when the guard had staggered in, hadn't he? That should be evidence enough.

"You are right, Mr. Montana," Judge Bates hurriedly conceded. "All evidence, I am sure, will point out that Mr. Betton was at your ranch, as you say. And, as Mr. Betton said so stoutly, there are many other cowpunchers named Shorty. The name, as well as we know, is a nickname tied to many men."

"That's right, Your Honor," Shorty Betton stated.

Sheriff Brown growled, "Let's quit the snarlin' an' look for tracks."

They got remains of the tarp that had been spread across the load, wrapped these around sticks of dried wood, and lit them. By their feeble, uncertain lights, they circled, looking for tracks. But the torches were too weak and they had to stop, for they were just wasting their time.

"Have to wait until mornin'," Sheriff Will Brown said. He was grumbling, for he did not like to stay until dawn. Toward sunrise it would be pretty cold. They threw more driftwood on the fire and squatted around it to keep warm.

Cy Montana said, "Well, no use me an' Shorty staying here any longer. We've done all we can do."

Montana and Betton got their horses and rode toward the Cross H.

"Wish I knew what they knew," Tobacco murmured.

"I don't figure you'd know much," Judge Bates said. "I don't think they were in on this."

"I do."

The partners were squatting in the brush, apart from the sheriff and deputy and the mule skinner and Jocky Smith and the cook. The rest of them therefore could not hear their low voices.

"Explain yourself, Tobacco?"

"Well, the way I understand it, Shorty Betton has a cabin alone on the Cross H. That's beside the point, though. Him an' his boss could've rid out here, dynamited this rig, then high-tailed back to the Cross H, an' waited for the driver to stagger in."

"That's logical."

"Sure it's logical. Then, to make it look good, they've brought the driver into town an' Sheriff Brown, an' even rid out here to listen to what was said. An' Montana might've made a slip an' hollered Shorty's name."

Judge Bates nodded.

"Cy Montana might've got excited, an' made that mistake."

Judge Bates took a long nip out of his jug. He had to fortify himself against the night's chill. The plan was logical . . . to a degree. There seemed only one thing wrong with it. He doubted if either Cy Montana or Shorty Betton would have brains enough to think up such a devious undertaking.

"When a man's pressed, Bates, he can think up lotsa things."

Jocky Smith came over. He and his cook were riding back to the dirt-camp. They were of no use here. He was going to send a messenger to Rawhide and tell the railroad officials what had happened.

"Men, I'm beginnin' to fear for my life, an' the

lives of my workers. Judge, I wish you could convince the big-wigs not to run rails through Broomtail Basin. This might end in serious gunplay an' death."

Judge Bates reminded him that he sat on Judge Hostetler Mackenzie's bench, and his job was impartially to deal out decisions, not to persuade a bunch of lug-headed railroad big-wigs their rails should run through Sagebrush Flats, and not through Broomtail Basin.

"I have met them, Mr. Smith, and tasted of their arrogance. I will have no further word with them unless they come to me."

"They sure are bull-headed," Smith agreed.

The cook came up, leading Smith's bronc. The cook was grumbling about having to go out and shoot jackrabbits to feed the dirt-crew and saying that they could have eaten wild onions, but wild onions grew only in the spring, and here it was fall with snow soon to hit them in their pants. He was still belly-aching as the pair rode away toward the dirt-camp beside the reservoir.

"Nothin' we can do here, either," Tobacco grumbled.

The judge walked over to Sheriff Brown. "You can handle things here," he said. "Report on your findings tomorrow, Sheriff. As for you, mule skinner, you'd best head back to town with us, where the

doctor can put you under his care. A blow on the head sometimes has unfavorable aspects later on."

"You go with them," Sheriff Brown grunted.

Brown's deputy squatted beside the low fire. He had unsaddled his horse and draped the crusty saddle-blanket around his shoulders. The jurist could see that he did not relish the long wait for daylight out here in the cold foothills. But the deputy was silent.

"See you in the mornin'," Sheriff Brown said.

CHAPTER 13

Judge Hostetler Mackenzie sat in a soft chair with pillows behind his back. A red dressing robe hung to his bony shoulders and leather slippers graced his bony feet.

"I am indeed sorry, Judge Bates, as I said before, that I am an invalid during these stirring times. From reports, you and your partner though, seem to be doing well. How I wish I could be in saddle with you."

The judge almost smiled at that, but managed to keep a straight face. He got a quick vision of Judge Hostetler Mackenzie approaching a snuffy bronc. Let the bronc snort, and the judge would run so fast he'd bust through a four-pole corral.

"I wish you were, too, sir."

Judge Mackenzie sighed, then coughed. "My back—right there—" He pressed his right hand against the spot. "You will—er—stay until this is

completed, Your Honor?"

"That I will, sir."

The bony face lighted. "That is kind of you."

Mrs. Mackenzie gushed in with a bottle and a spoon. "Time for your medicine, husband."

Judge Bates and Tobacco left.

Outside on the cinder walk, Tobacco grumbled, "That danged four-flusher. He ain't sick. I'd like to jerk off his bony arms an' beat him to death with 'em!"

"Such talk," the judge chided.

"Bates, he's makin' monkeys outa us. Here he sets on his rump, an' me an' you make night-rides an' dodge ambush bullets. He coughs dainty-like into a linen handkerchief. Look what I pack to cough into." He jerked out a dirty red bandanna.

"We got to stay, Tobacco. My oath of office requires it. Besides, we aren't doing too bad, are we?"

Again Tobacco Jones snorted. "What have we done?" He again answered his own question. "You've met another drunk, One-Step Connors, an' his cell-mate, Juanita. We've been shot at. I've bin in a rough fist-fight—"

"Whoa up, partner."

Tobacco stopped talking. He chewed and scowled. He saw a beetle climbing a dried grass stalk. He spat on the beetle and knocked him to the ground.

"Your aim is still accurate," Judge Bates acknowledged.

They went to the doctor's office and took seats, for the medico was out. After ten minutes the doctor returned. He had been to see Judge Mackenzie, he said, and had missed them at the judge's house, for he had also gone to tend to a man who had broken his legs when kicked by a horse.

The judge asked how the slugged guard—the one slugged at the reservoir—was getting along.

The medico said the guard was still on the critical list. He still couldn't talk, though his eyes seemed to be clearing. He had given medical attention to the mule skinner who had been slugged, too, and had put the man to bed in the hotel, where Ma Jacobson would take care of him.

"She's a practical nurse, you know."

Tobacco smiled suddenly. The doctor wondered at the postmaster's sudden mirth. But Judge Lemmanuel Bates knew. With Ma taking care of the mule skinner, she would have less time to pester Tobacco.

"How about Judge Mackenzie?" Tobacco demanded. "That man ain't sick. I know he ain't."

The doctor smiled. "He says he has a sore back. There is no doctor in the world that can prove a man hasn't a sore back. I even had one myself when they got me into the war. I got it pushing a cannon

around. They gave me a medical discharge."

"Was the cannon heavy?" Tobacco asked.

"I don't know. I just laid down beside it, grabbed the small of my back, and started to groan. And no doctor in the army could prove I was not afflicted with a lame back."

Tobacco grinned. "That's Judge Hoss Mackenzie."

The doctor was stiffly professional. "We shall discuss my patient no longer, gentlemen."

The doctor looked at the cut on Tobacco's eye, pronounced it as healing rapidly, and ventured that the postmaster had good blood to heal so quickly.

"Ain't never diluted it with alcyhol."

Judge Bates grinned at the medico.

The partners went to their hotel room. Trudy had been behind the counter in the lobby. Her mother, the girl said, was upstairs, taking care of the mule skinner. They were both tired.

"Me for a nap," the judge said.

Tobacco chewed reflectively. "Well, I got one good break. Judge, I'm gettin' tired of these surroundings."

Judge Bates lay on his back, seemingly admiring the fly-specked ceiling. He admitted he too yearned for his home in Cowtrail. There seemed to be two alternatives, he reasoned.

"An' them, Bates?"

They could jug three men: Ross Frazier, Cy Montana and Montana's range boss, Shorty Betton. "With them in jail if this trouble didn't stop, we'd know they had no finger in it."

"But their hired hands could carry on."

"That is possible, but not probable."

Tobacco leaned forward, laughing silently. "Man, what if we did that, eh? Man, would ol' Cy hit the ceilin'. An' that Shorty Betton skunk—" The Cow-trail postmaster gingerly fingered his cut eye. "I'd like to get him behin' bars an' forget about him forever an' a day!"

"We might jail them."

"What's the other plan, Bates?"

This plan, too, was simple. They would follow this one first. Word would get back to Rawhide and railroad officials would send out another wagon-load of chuck. They would trail the wagon and see if it were molested.

"Long ride, cold camp in the brush, Bates."

"Might bring some results, though."

Judge Bates had just got his eyes closed when somebody hammered on the door. He asked, "Who's there?" and a voice said, "Sheriff Will Brown."

"Come in."

The sheriff was very apologetic. He hated to dis-

turb their sleep. He knew they were tired. They had ridden lots of miles at all hours. They were getting along in years—

“Each day we get further in years,” Judge Bates said sourly. “Now tell us what rides your mind, my good man.”

“The same damn’ thing,” Brown growled. “Nothin’.”

The judge almost said, “That’s only normal,” but managed to hold himself in time. Further questioning by the jurist disclosed that both Sheriff Brown and his deputy had searched for tracks.

“An’ by gum, we found some. Two riders had come off the rimrock an’ parked their broncs in the bresh. We backtrailed, but up there in them hills the winds had been so rough it had blowed the sand an’ blowed tracks right away.”

“Two men, did you say?” the judge queried.

Sheriff Brown nodded. “Two riders.” He rubbed his whiskery jaw. “Maybe the mule skinner was right when he heard them holler, ‘Shorty.’ Unless my ’rithmetic is haywire, Cy Montana an’ Shorty Betton make two men.”

“I doubt that,” the judge said. “At their best, they’d only make about one man and a half.”

“No time for joshin’,” Brown said seriously.

Brown also said that one of the railroad bosses

had ridden over to the dynamited wagon. He and Brown, it seemed, had some hard words. These hurt Brown more than the fact he had found nothing pointing to the identity of the man—or men—who had burned the freight wagon.

"Them boys got money. They talked to me like I was dirt. They've always talked to me thataway. This gent was no different. Named Straw or Hay or somethin' like that."

The judge told the sheriff not to pay much attention to what Straw said. In his estimation, Straw was just a big blowhard. This cheered Sheriff Brown a little. He said the railroad company was sending out another load of chuck for the dirt camp, and that it should arrive sometime that night.

"I'm trailin' it in," he said.

"Good idea," Judge Bates told him.

Brown stretched. "I'm goin' down the hall an' talk with that mule skinner. Doc tol' me he was up here in room twelve, I believe."

The judge and Tobacco were glad to get shut of the lawman. When the door had closed behind Brown, Tobacco said, "Well, no use us trailin' that wagon, with the law on the job."

Judge Bates laced his chubby hands behind his head and again regarded the dirty ceiling. "All the more reason we should shadow it, friend. Brown is

so low in intelligence he might get mixed up an' think he should blast the wagon."

Tobacco lay down again. "I cannot savvy where that dynamite is comin' from, Bates. We've checked the stores here and' none of them has dynamite for sale, even. If we could find out where it come from, we'd have something to work on."

Judge Bates said that they were using dynamite—and lots of it—on the Great Western railroad grade. It would be a simple matter for a man to lift a little of this powder without the railroad missing it.

"Must be where it's comin' from, Bates."

A feminine voice shrilled, "Get outa here, Sheriff Brown. Get out, I tell you, and leave my patient alone."

The voice came from down the hall.

Tobacco sat up, grinning. Even Judge Bates' wide face sported a smile.

Sheriff Brown's whining voice said, "Now, Mrs. Jacobson, hol' onto your hosses. I got permission from Doc to talk to your victim."

"My *victim*!"

"Your patient, I mean."

The sounds of a scuffle came to the partners. This ended, and a door slammed so hard it danced the pins in its hinges. Footsteps sounded down the hall and Sheriff Brown's head, hair mussed, came inside.

“Man, what a woman. I tried to get in to see her patient, an’ she pushed me out. She’s as strong as a yearlin’ bull. I pity you, Mr. Jones.”

“Pity me? Why?”

Sheriff Brown was almost stuttering. “I don’t want to be counted too fresh. But heck, it’s common talk aroun’ town. They say you aim to hook up with the Widder Jacobson.” Brown jerked back his head.

“My God,” Tobacco Jones mumbled.

CHAPTER 14

When the sun went down the night became colder. The first part of it was dark—as dark as a midnight-black horse—but then the moon heeled over the badlands. But there was no warmth in the moon.

“I’m cold,” Tobacco said.

No answer.

“I’m sleepy,” Tobacco said.

No answer.

“I wish I was home in Cowtrail.”

“Anything else wrong with you?”

Tobacco Jones scowled. “Yeah, I’m with you, Bates.”

“I can slam you in jail,” Judge Bates reminded him.

Tobacco chewed slowly. “That might not be a bad idea. Just so you put me in a warm jail an’ not the same one One-Step an’ Juanita inhabit. An’ just so you make it so the Widder Jacobson can’t ha’nt me.”

"You ask too much of life," the jurist commented.

They were about five miles west of the Rawhide junction, where the wagon road went into the hills. They had seen the loaded wagon leave the camp at deep dusk, and now it was somewhere below them.

They squatted, using sandstones for a windbreak. Sheriff Will Brown was somewhere below the partners, too. They had seen him hide himself in some wild rosebushes along the bottom of a brush-thick gully.

"What a lawman," the judge had marvelled. "Instead of spotting himself up high where he could see everything below him, he hunkers along the trail. But he's still dangerous."

Tobacco admitted the sheriff was trigger-happy. His nerves had bothered him so long he was as jumpy as a drunk with the delirium tremens. Let him hear a sound behind him and he'd turn and empty his pistol. If'n he weren't so frightened he couldn't move a muscle."

"We'll have to get him out of the way."

"An' how do it?"

"Bounce him once or twice and put him to sleep."

Tobacco smiled. "Right enjoyable thought, Your Honor. Then you can try him in court for failin' to do his duty an' can him in his own calaboose, eh?"

"You take it too far, friend."

"Should've done it before dark, though."

The judge allowed that the moon made enough light. They could hear the heavily laden wagon creaking below. Shod hoofs made sounds on the wagon-trail, and the skinner cursed now and then. They had noticed that a guard rode with the skinner tonight.

They left their broncs and went down the slope, Tobacco toting his rifle. The judge did not take his rifle; he took his jug. They pointed toward the boulders above the gully where Sheriff Will Brown had hidden.

They reached these boulders and squatted and took consultation. Brown had not ridden out to follow the wagon. They found his horse, and the judge whispered, "You stay with the horse. You know how a nighthawk makes a noise, like this—" He whistled shrilly.

"Don't sound like no nighthawk to me," Tobacco murmured.

Evidently it sounded all right to Sheriff Brown, for he did not come to investigate.

The judge talked low and hurriedly. Tobacco would stay with Brown's bronc. When Judge Bates had accurately located Sheriff Brown's hideout, he would whistle. "Then you turn the lawman's bronc loose, understand? He'll make noise in the brush,

and Brown will hurry to investigate, wondering how he broke loose and he'll try to catch him."

"Then what?"

"That's where I take over."

"Sure hope he don't see you."

"He won't. Time he learned a hard lesson, anyway."

Still toting his jug, Judge Bates went into the brush. About five minutes later, he was standing in the high buckbrush along a trail, and not more than forty feet away, still in the sandstones and buckbrush, was Sheriff Will Brown.

No sooner had the jurist stationed himself than Sheriff Brown started moving toward his horse. Evidently he was ready to mount and swing in behind the wagon for his self-appointed night chore.

The judge gave his nighthawk whistle. But his lips were too dry, and it ended on a sickening note.

This note halted Sheriff Brown. Judge Bates could see him, limned in moonlight, hand on his gun. He was peering into the brush, but evidently he did not see His Honor.

The judge found himself wishing that Tobacco would soon free the sheriff's bronc. Ages seemed to run past him; finally, he heard the horse move, cracking brush. And Sheriff Brown ran forward, hollering, "Whoa, Baldy, whoa. Now how in Hades

did that bronc get loose!"

Sheriff Brown ran past Judge Bates.

Finally, there was only silence. Judge Bates broke it with his nighthawk whistle. This time the whistle was more realistic.

"All set," he said.

Tobacco Jones was breaking through brush. When he came up, Judge Bates was tying Sheriff Brown's feet with the sheriff's policeman suspenders. He tied the sheriff's hands with a bandanna found in Brown's pocket.

"What'd you hit him with, Bates?"

"Betsy."

Tobacco grinned. "That ol' jug sure must be tough. You've buttonholed quite a few jaspers with it for a long sleep. Now what'll we do with the carcass?"

"Lay him out on the trail. He'll come to an' holler an' kick. Might holler loud enough to attract a cowpuncher who might be workin' cattle back in the hills come daylight. Or the wagon might find him on its way back."

"If it gets back," Tobacco said pessimistically.

They carried Sheriff Brown out of the brush to the dusty wagon-trail. Tobacco had him by the shoulders and Judge Bates had Brown's boots tucked under one thick arm. Brown sagged quite a bit in

the middle.

"He's purty long atween the hocks an' the bit," Tobacco said.

They dumped Brown, and he landed with his nose in dust. The judge twisted his limp head around and felt for his heart and found a steady beat. Tobacco bit off a chew and grinned.

"You, a judge, an honored personage of the bar—both kinds, too— an' you slug a county servant, one who shares office next to you. Fella, ain't you kinda ashamed, now ain't you."

"Sure am."

They went back to the rimrock and got their horses. They had left their weary mules in the Wild Horse livery-stable. They got the wagon road but, as the judge said, "We can't follow that wagon too close what with that guard on there. He might glimpse us and open up."

Accordingly they cut across the basin and rode about two miles out of the wagon's trail, travelling even with it as it lumbered across the hills. Soon it would cross the divide, and down-trail into Broomtail Basin, it would be faster. The wagon went so slow that they stopped many times in the rocks and waited for it, keeping it always in sight in the moonlight.

Tobacco yawned.

Judge Bates took a stiff drink. He shook his jug and decided he'd need pay One-Step a visit tomorrow, if tomorrow ever came. But he'd had lots of help in lowering the line in Old Betsy.

"There they go," Tobacco mumbled. "They've crossed the Hump an' will make better time now."

From these high rocks they could see the basin below. Shimmering in moonlight, Broomtail Basin seemed tranquil and without a hint of danger. They turned their broncs west again.

Suddenly flame showed from the wagon, about a mile away. At first, Judge Bates thought it had been dynamited, a slow fuse being loaded with the chuck. Then he heard a high whine and a swift ricochet back in the rocks.

"That danged guard must've caught a glimpse of us, Bates. He's took a shot just for luck. He only missed us by about four rods, too."

"Trigger-happy," the judge said.

After that, though, they were more careful, and they stayed further away from the wagon, now on the basin's floor.

No more shots came.

Nevertheless, the partners made sure they were out of rifle range. A coyote slunk along the hills, and the guard shot at him but missed again. The partners watched the coyote lope back into the foothills.

The guard, the judge averred, was not taking any chances. Had they run the other wagon through with a guard, nine chances out of ten the driver wouldn't have been overpowered and the load burned.

Dawn was coloring the foothills when the wagon rolled close to the camp by the reservoir that was slowly being rebuilt. It lighted the hills and threw buckbrush and cottonwood trees into cold relief.

Tobacco said, "I'm sure cold, Bates. Looks to me like we done rid on a wild duck chase again. Me, I got a strange feelin', friend."

"Yes?"

"Somebody around here is smarter'n we are."

The jurist allowed this could be true. There was, he claimed always somebody smarter than you were. But the wagon wasn't in camp yet.

"Danged near there."

They sat cold saddles, there in the hills, and watched the wagon cross the plain, an ant crawling along the winding trail through sagebrush and greasewood. Yard by yard, teams plodding, it came closer to the camp.

Already men stirred in the dirt camp. The camp-tender was graining the teams for the day's labor, pouring measures of oats into each oat bin, there at the long mangers. The sun was up high enough to show the reflection of his shiny bucket.

Smoke came from the cook-tent.

"Well, there's the guard. That wagonload got there all right." Tobacco spat.

The postmaster was correct. The camp-guard was walking out to meet the wagon. Their cold night had been spent in vain. Judge Bates thought of Sheriff Will Brown, lying back there on the road.

By this time Brown would be conscious and probably hollering. Maybe he could manage to get loose of his bonds. Anyway, one thing was certain; Brown would be plenty cold.

He sort of hoped that Brown had freed himself and was now riding toward Wild Horse town. But common sense told him Brown, if he did get free, would follow the wagon, not head into town. For with him being waylaid and knocked out like that, the lawman would figure sure somebody aimed to highjack the wagon, and had knocked him out first to get him out of the way.

"Here comes a rider," Tobacco said.

Judge Bates followed his partner's finger and murmured, Think of the devil, and he's bound to appear. That's Brown, ain't it?"

"Looks like him, to me."

Brown rode as if the devil, pitchfork and hot coals, were on his bronco's tail. Dust spiralled up behind his bronc's hoofs as he roared into the dirt camp.

"You didn't anchor him tight enough," Tobacco grumbled. "But reckon it don't make much no-account nohow, now. But I was aimin' to head into the camp for a hot cup of java."

"If Brown sees us ride in, he might suspect us."

Tobacco nodded. They turned toward Wild Horse, many miles to the south. They were just leaving the foothills when the explosion occurred.

CHAPTER 15

It was a dull, deep roar, seeming to come out of the bowels of the earth. At first, Judge Lemanuel Bates thought it was the rumblings of a hard earthquake. Then he realized that the earth was not moving under his pony.

He shot a glance at the dirt-camp, half expecting to see tents and teams in the air. But the dirt-camp was intact.

"Yonder!" Tobacco screamed the words. "Over there, Bates!"

The jurist jerked his eyes away from the camp. This time Tobacco's forefinger was jabbed toward the basin.

Down there, a few miles away, dirt and debris had mushroomed upward, as though flung from the bosom of the valley by a giant, prankish hand. Now it was settling, but a great bulk of something—evidently a canvas tarp—still floated in the chilly morning air.

"They've blasted up that well Jocky Smith was punching," the judge said slowly. "That is the location, isn't it, Jones?"

"None other," Tobacco growled. "Here we watch the wagon-load, an' some son blows up the well, casin' an' all."

But already the jurist was riding down the slope. Tobacco swung his bronc in behind his partner's horse. They swung through sagebrush, with Tobacco driving his animal hard; finally he pulled up abreast of Judge Bates' laboring cayuse.

"They've heard it at the dirt-camp," the postmaster boomed. "There is riders leavin' there, too."

They could not see the location of the well, for the sagebrush was too high. They had seen nobody ride away from the explosion. But a dry wash flanked the well spot on the west, and a rider could have hugged it and ridden away, hidden by the deepness of the ravine and the sagebrush.

"There she is," Tobacco grunted.

Nobody moved around the well, now a blasted hole. Judge Bates knew that the working men who were drilling the well stayed nights at the dirt-camp. He also knew that Jock Smith had posted a guard at the well each night, for Smith had told him that down in Wild Horse.

The explosion had evidently been shot off down

in the casing. The derrick—what was left of it—was tipped on one side. The bit lay to one side, cable still attached to it, and the steam engine used to raise and lower the bit was also upset.

“They’ll never dig that well,” Judge Bates said.

With the casing broken, down in the earth, the well had caved in, and it would be easier and cheaper to start all over again.

“Riders comin’, Bates.”

The two partners stood in the clearing, hands held high as the dirt-men drove in on running broncs. Sheriff Will Brown was with them.

“Bates and Jones, huh?” Jocky Smith curbed his impatient horse. “How come you two got here so fast?” He didn’t wait for an answer. “Somebody sure blasted this hole to—” The dirt-boss swore with great feeling and choice cusswords. “I had a guard out. Wonder where he is?”

“Here he is, Jocky,” a man said.

Two men came out of the brush carrying the guard, who was limp between them. Somebody dipped a bucket-full of icy water from the barrel and smashed it into the guard’s face, and the two men put him on the ground.

“He’s been knocked out,” a man volunteered.

Sheriff Will Brown was out of saddle. He kept grabbing at his pants to keep them up. Judge Bates

told him that he and Tobacco had left Wild Horse early to ride out to the dirt-camp to make sure nothing had happened during the night. They had heard the explosion and hurried over to the well-digging site.

"And how, sir, did you get to the dirt-camp so bright and early?"

Brown explained he had trailed the wagon-load out of Rawhide, riding guard on it. He had escorted it unharmed to the camp, too. "Not a thing happened on the road, either. I was just hoping somebody would try to blast it. I was ready for 'em."

Jocky Smith was sending men out, trying to cut the trail of the man who had dynamited the well.

"Here's some bronc prints in the wash, Jocky," called a man.

Jocky Smith hurried to the wash.

Judge Bates knelt beside the unconscious guard. The man had a mean cut on his scalp. Finally he struggled to sit up, his eyes wild. They held him until his eyes cleared.

"What happened?" he demanded.

The judge told him about the blast. "Now, what happened to you sir?"

The guard had not been slugged. A piece of flying debris had hit him, he said, and his memory had stopped right there. Under the judge's careful verbal

prodding, he told his story.

About an hour ago, he'd heard something move, out in the brush. He'd figured maybe it was a range cow or even a cougar, but he wanted to make sure. So he'd slipped into the brush and looked around, fearing somebody was sneaking back to dynamite the casin.

"I run into a heifer and her spring calf back there. I figured then they'd made the noise, but to make sure, I squatted and waited with my rifle. That was about a hour ago, I reckon."

"You mentioned that before," the judge said.

Men stood in a circle and listened. The tracks in the wash had turned out, so Jocky Smith had said, to be the tracks of a range bronc, unshod and drifting along the gully, looking for bunchgrass.

"Well, I squatted there, cold as billy hell, and then the whul thing went up. I glimpsed that timber flyin' up an' I tried to get outa the way when it come down, but I reckon I was too slow."

The judge asked, "Were you ever out of sight of the well, sir?"

The guard hesitated. He held his aching head. "Onct I was," he admitted.

Jocky Smith started to curse him. The judge and Tobacco moved to one side, and Sheriff Will Brown, still grabbing to hold up his pants, said, "Some

hellion has snuck in, planted powder with a long fuse, then pulled out."

"Might be."

"Might be?" Again Sheriff Will Brown grabbed his slipping trousers. "What else could it be, Your Honor?"

The judge kept a straight face. "What happened to your belt, sir? I noticed your pants keep sliding down."

Brown's ruddy face momentarily flushed. "Never wear a belt," he explained. "Wear suspenders. They busted, an' I tried to patch them, an' that made 'em worse, so I throwed 'em away. I'm gettin' me a rope to use for a hitch, onct I get back to the dirt-camp."

Judge Bates allowed he and Tobacco would mosey on back to town, seeing Sheriff Brown was now on the job. This pleased the lawman no little. The partners got their broncs and rode toward town. A man had headed back to the dirt camp for a rig to carry the injured guard in for medical attention.

"Ma Jacobson oughta be off me for good," Tobacco said. "She'll have two sick men to nurse now, I reckon. Bates, who do you figure set off that powder back yonder. We never seen no rider head out, did we!"

"He might have ridden away up that coulee."

Tobacco pointed out that had there been a rider

on the valley floor, they'd possibly have seen him when they were on the high hills. Judge Bates nodded, his heavy face serious.

"A man could have slipped down from that dirt-camp, Tobacco, and lured the guard away, as he said he'd gone into the brush. Then this fellow could've dropped that powder with a slow fuse, and then drifted back—on foot through the brush—to the camp again."

"But them men are working for the railroad, not against it."

"Might be that Cy Montana or Ross Frazier planted spies in the camp. That's an old trick, you know. Fight from the inside and be unsuspected."

"You might have hit a nail then, Bates."

"There's Shorty Betton again," Tobacco said suddenly.

The Cross H man was riding up a gully, about a half-mile away. Judge Bates found himself wondering if, after all, this short Montana rider wasn't tied up in this. He hollered, "Wait a minute, fellow."

"Too far away to hear, Bates."

Judge Bates pulled his rifle out of boot. He found sights and sent a bullet high over Betton. Betton turned around.

"Stay where you are, Betton."

Betton was frowning when they rode up. "What the blazes you mean, men, throwin' lead at me?"

The judge told him he was going to jail. Betton could hardly believe him. "You juggin' me—because that guard last night said a gent named Shorty—? You can't do it. I demand my rights as a citizen."

"Get along," the judge said.

Tobacco got Betton's rifle and short-gun. They made the short cowpuncher ride ahead. Betton kept repeating. "Wait until Cy Montana hears of this. Just you wait. . . ."

Evidently he had great faith in Montana.

"What's the charge ag'in me?" Betton wanted to know.

"Haven't figured it out yet," Judge Bates said.

Betton's face twisted, his lips went hard. "God, what a plague came into this county when the railroad started through, an' when you two grasshoppers come in. Take months of wind after you're gone to blow the stink away!"

"That'll be nice," the judge agreed.

Two miles out of Wild Horse, they met big Ross Frazier, who stared at Shorty Betton, disarmed and riding ahead of the partners.

"What you goin' do with him, Your Honor?"

"Hang him. Get in line, Frazier. You're goin' to the gallows too. Surrender your rifle and gun."

Ross Frazier studied the judge. "That's a odd joke."

"No joke about it, friend." Judge Bates' short-

gun was on the Bar S owner. "Mr. Jones, take Mr. Frazier's weapons."

Frazier's hands automatically went up, palms out. Judge Bates watched the cowman's surprise turn into anger.

"You'll never get by with this, Bates. I'll sue you for false arrest. I'll ship in the best lawyer in Omaha and spend every cent I own to whip you."

"That sounds interesting."

Soon Ross Frazier was riding abreast with Shorty Betton. Tobacco scowled and asked softly, "Could that big jassax throw a suit against us, Bates?"

"He might. He'd never win, though."

Townspeople stared at them as they rode into Wild Horse burg. They came out of business-houses and watched and made conjectures. Judge Bates made the prisoners dismount and march into jail.

One-Step and Juanita were playing chess in the bull-pen. They had a flask on the table between them. Judge Bates made Ross Frazier go into one cell and put Shorty Betton in another.

"What's the charge?" the jailer asked.

"I'll write it out," the judge said.

One-Step leaned back in his chair. "Bates, how come you do this to me and Juanita? Here we were enjoying the solitude and homeliness of this little cottage, and you take in these two unshaven, hulk-

ing brutes to spoil our homelife."

"They may not be in long."

"I won't be here long!" Frazier snorted.

The judge beckoned One-Step to one side and the prisoner went down into the cellar and filled the judge's jug. One-Step stopped, arms akimbo, and studied the two jailed cowmen.

"You should've picked out somebody with some brains, Judge. I can't carry on any intellectual conversation with this pair. They're of such low intelligence I'll bet neither has a vocabulary of six hundred words. While they are with me, I shall make a test of their possible intelligence rating."

"Do that," the judge said.

Outside, the judge met one of Will Brown's deputies. He told the deputy to head for the Cross H and tell Cy Montana to come into town. "Tell him Shorty Betton is in jail and I have to talk to Cy."

"Sure thing, Your Honor."

Within two hours, Cy Montana was in the same cell with Shorty Betton, and they sat on their bunks, glaring at Ross Frazier, who likewise sat on his bunk, glaring back at the Cross H men.

"Look like three lovesick bobcats," One-Step said disgustedly.

CHAPTER 16

Three things of interest happened that same day. First, the guard died.

He never recovered full consciousness after his beating at the reservoir. The medico reported his death first to Judge Bates and Tobacco Jones, who were in their room in the Wild Horse House, dozing a little after their cold night ride.

Toward the last, the man's eyes had brightened, so the doctor said. He opened his mouth, trying to say something, but the words were jumbled and incoherent. He tried hard to speak, but the words made no sense, and he had lain back and been silent.

"A murder charge to be filed against persons—or a person—unknown," Judge Bates said. "I shall make it out and we shall do our best to find his murderer, Doctor."

The doctor supposed the railroad company would pay for the man's medical care and burial expenses.

Tobacco snorted. "Them big-wigs won't shell out, Medico. Know where an' how they bury a man who got kilt on the job? They lay his carcass in the fill an' drag dirt over him with mules an' fresnos."

"Is that right, Your Honor?"

Judge Bates nodded. "They lose a mule and they holler, sir. They lose a working man and no tears are shed. You see, they have to buy a mule, and some mother right now is raising a working man for them, for just a few dollars a week."

"That isn't just to the county, Your Honor, to pay for his burial."

"The county won't pay for this, sir. I assure you of that. If those railroad officials won't shell out, I'll file a suit against the company a yard long, and stay on this bench the rest of my life, or until I collect. Be assured on that point, Doctor."

The doctor reported on the other two slugged men—the driver of the wagon-load of chuck that had been dynamited, and the guard at the well that had been blown up. They were progressing nicely, both still in bed. "Mrs. Jacobson is nursing them back to health. She gives them too much attention, I think."

"She can't give them too much." Tobacco was emphatic on that point.

The doctor understood; he smiled.

Sheriff Will Brown came in within the hour. He reported the death of the guard, and wondered what to do. Judge Bates told him he was swearing out a John Doe murder charge, and would some day, he hoped, know John Doe's real name.

"Ross Frazier an' Cy Montana got into a fight. They fought through the bars. Frazier knocked Montana down an' Shorty Betton hung one on Frazier, spillin' him. You shouldn't've put them in adjoinin' cells, Your Honor."

"Let them fight."

"You have to take full responsibility for juggin' them three. I washes my hands of the whul affair, Your Honor."

"Don't let your shadow bite you," Tobacco said, smiling.

"T' ain't I'm afeerd," Sheriff Brown hurried to explain. "I just don't want no suit slapped against me for false arrest. I got a woman an' kids lookin' to me for their eats, men."

Judge Bates told him he had nothing to fear; he himself would shoulder full responsibility for jailing Betton, Montana, and Frazier. Thus assured, Sheriff Will Brown left, face not so glum as when he had entered.

They heard his boots go down the hall and start the descent into the lobby.

Tobacco said, "See he had on new red suspenders, Judge." The lanky postmaster leaned back in his easy-chair. "I too figger you made a mistake by jailin' them hellions so clost together."

"I figure One-Step will smooth that out."

This didn't make good sense to the postmaster, but he let it ride at that. For some reason, the judge seemed to have great faith in One-Step Connors. Tobacco almost remarked that, as usual since coming into Broomtail Basin, they were still cueing the same eight-ball into the same side-pocket.

With the death of the guard, a seriousness had really colored the situation, here on this Wyoming high basin. This reflected in Judge Lemanuel Bates' serious face and showed in the studious thought of Tobacco Jones' eyes.

Now, more than ever, Tobacco knew his partner would be a tenacious bulldog. He would circle this melee, find the right man, and rush in to fasten his teeth. And hades help the man who had murdered that guard.

One of Brown's deputies, and it seemed he had two of them, was the next visitor. Both the jurist and postmaster were dozing by that time.

"And what do you desire, sir?" Judge Bates spoke sharply.

The deputy knuckled his hat's brim nervously.

"Sorry to disturb you men, but the boss told me to come up an' see you. The boss an' his other deputy just left town, you see, an' I'm supposed to hightail after them, jus' as soon as I deliver this message."

"What is your message?"

Words tumbled from the deputy. While Jocky Smith and his men had been working on the reservoir fill with their teams and dump-wagons, somebody had burned down a tent at the camp.

"Maybe the cook had an accident an' it caught fire," Tobacco ventured.

The guard shook his head. "No, tent was off alone, I understand. Off a few rods from the rest. The cook was alone in camp. This tent just caught fire. Jocky sent a man in to tell us an' asked if you two would ride out to the camp an' look around for evidence pointin' to whoever had set it."

Judge Bates promptly vetoed this suggestion. He said, "We've been out to that camp so many times you'd figure we run the danged outfit. Jocky got an idea as to who had set it?"

"One man claims he saw a gent sneakin' into the brush. Said the gent looked like Ross Frazier. But it couldn't be Frazier; he's in the clink. But it might've been one of the Bar S hands. One gent out there—Froggy White's his handle—looks a heap like Frazier."

"We're not riding out," the judge stated.

The deputy crammed on his hand. "Again, sorry disturbed you two men. Well, gotta be gettin' along, I reckon." He slammed the door and almost ran down the hall. They heard him boot his way across the lobby, and then the outer door slammed.

Sharp heels came down the hallway. Ma Jacobson poked in her head. She wore a white cap and had on a white uniform that did not hide her conspicuous bulges a single bit.

"Which one of you went downstairs just now?"

The judge played ignorant. They had both been downstairs this morning, he said. To whom was she talking?

"You know full well, Judge Bates, what I mean. Somebody just left here, slammed the door, stomped down the stairs, an' woke up one of my patients."

"Oh," the judge said, "that was a friend."

"You two seem to have a lot of noisy friends. They seem to forget we have two sick men up here."

"Where's Trudy?" Tobacco asked innocently.

Ma Jacobson eyed him speculatively. "You seem to be awful interested in my little girl, Mr. Jones. It will do you not a bit of good. You are old enough to be her grandfather, and never forget that."

"My josh, I never onct thought of that."

The judge was smiling.

Ma Jacobson studied them each, finally catching on to their humor. A wide smile crossed her face. "But be more silent in the future, please?"

The judge assured her they would be, but they were not accountable for guests. Ma Jacobson said the next noisy guest would account to her personally.

"Goodbye, honey," Tobacco said.

She winked at him and closed the door.

Judge Bates smiled widely. "You call her that again, partner, and she'll forget those two injured guards in a hurry."

"My Lord," Tobacco said. "The word slipped out by accident. I was thinkin' of Trudy, I reckon."

Judge Bates leaned back, heavy head against the head rest of his chair, hands laced across his belly, eyes closed.

Tobacco growled, "Bates, we can't set here, an' do nothin'!"

Judge Bates did not open his eyes. "Talk, Tobacco."

"Well . . . first, the reservoir got blasted. Then we gets jailed—"

"Jump that part, please."

Tobacco smiled. He peeled tinfoil off a fresh plug of eating-tobacco. "Well . . . we got shot at. That wagon was blasted. Then the well got blowed up."

"So far, so good."

"Up to now, we've sorta blamed it either on Montana or Ross Frazier. We jug them, an' a tent gets burned down. Now we know for sure it ain't them two cowmen. But it could be one of their riders, acting under their orders."

"That's so. But sum it all down."

"Whatduhyou mean?"

"Get to the core of it. The essence. The primary fact. The motivation behind this whole trouble."

Tobacco chewed laboriously. "Me, I figger it comes down to this. Somebody aroun' here don't want this railroad comin' through Broomtail Basin. They want it to run northwest through Sagebrush Flats an' then acrost the Rockies on Bridger Pass."

"Why would they want it through Sagebrush Flats?"

"Well, I dunno, for sure."

"Make a guess, pard."

"This reason, I'd say. They could make money if it ran through Sagebrush Flats. If it runs through Broomtail, this party loses money."

"Would either Montana or Ross Frazier make dinero, if the railroad ran through Sagebrush Flats?"

"No, they'd make no money. But they'd keep the rails from crossin' their graze." Tobacco stopped

chewing. "Maybe one of them owns Sagebrush Flats, eh?"

The judge doubted that. Doubted it strongly. For if either Montana or Frazier owned Sagebrush Flats, the owner would have come out openly and offered to dicker with the railroad at low terms, just to keep rails out of Broomtail Basin.

"That's right, Tobacco conceded.

Tobacco spat out the open window. Maybe the tobacco juice landed on somebody in the street, but if it had he didn't care. He was silent for about five minutes. Judge Bates started to snore a little. Tobacco's hand shook his arm.

"Yes, Jones?"

"I figger I savvy now, Bates. Somebody here on this grass owns Broomtail Basin. They're workin' from inside to make the railroad disgusted so they'll drive rails into Sagebrush Flat."

"That is my opinion too, sir."

"I don't like this Brown button," Tobacco said reflectively. "I still don't think a man could be as dumb as he puts on. You don't reckon he owns Sagebrush on the quiet, an' is playin' a lawman role an' doin' dirty work?"

"I doubt that. I really believe firmly he is not faking. I believe, earnestly believe, he is of too low intelligence."

"We gotta find out who owns Sagebrush Flats, Bates."

"That is why I am resting. I have a long ride ahead of me, sir, to the wire at Diamond Willow. You too have a long ride ahead of you."

"Where am I going?"

"Sagebrush Flats."

"But that's fifty mile, Bates. That's a long ride."

"But it has to be taken, sir."

The judge outlined his scheme. Tobacco would go to Sagebrush Flats, inquire around, find who owned that country. Then he would report back to Wild Horse. Meanwhile, he himself would ride to Diamond Willow, there to send telegrams to the federal land office down in Cheyenne.

"When do we pull out?"

"When it's dark. We want nobody to trail us."

That settled, they both dozed off. Their next visitor was One-Step Connors. "Jailer sent me down to the store to get a box of raisins for him, Your Honor. His wife, it seems, is concocting a cake for his birthday. I accused him of being about ninety, and he got ired. He informed me, in certain terms, that he was only eighty-seven. I thought I'd drop in on you old fogies."

"Thanks," Tobacco mumbled.

The judge and One-Step had a drink. One-Step

was rather deep in friendship already with John Barleycorn.

"There is one thing I want of you, Mr. Connors. Ply all three of those cowmen with whiskey, sit back, and let the whiskey run their tongues. Listen to everything they say."

"They can't say much, Your Honor. Both of them has smitten the other on the mouth, and their lips are swollen badly."

"Whiskey will loosen them."

One-Step said he hated to waste the whiskey on the likes of Shorty Betton, Cy Montana, and Ross Frazier. They might get wise he was brewing in the jail and get him thrown out of jail. The judge assured him he had the jail to live in the rest of his life, and he would see to that. There was only one catch: Each month he was to send to Cowtail a jug of whiskey.

"Do you contemplate leaving, Your Honor?"

"Not for a few days."

"This might be a mean and ignoble thing to utter, Your Honor, but from the bottom of my heart—if I still possess such an organ—I have been hoping for the demise of Judge Hostetler Mackenzie, in hopes a man of your sterling qualities would then inherit the deceased's bench."

Tobacco groaned.

The judge and One-Step drank again, and they heard the prisoner's uncertain gait navigate down the hall, fumblingly find the stairs, and weave across the lobby into Wild Horse's sleepy main street.

"Now for some shuteye," Tobacco grunted.

Ten minutes later, a knock sounded on the door. Judge Bates opened one eye and growled, "Come in."

The railroad official named Straw entered.

"What's on your mind, Mr. Hay?" the judge asked.

"Straw's the name—not Hay." Evidently Mr. Straw did not like the judge's sharp tone. He evidently did not like to be addressed in the same haughty tone he used on his subordinates. "Have you heard about that well being blown up and the tent being burned?"

The judge assured him he had.

"You're district judge now, Mr. Bates. I, speaking for the railroad, demand instant—yes, instant—action against this culprit or these culprits, whoever or wherever they may be."

"We don't know who they are, Mr. Hay, or where they are."

This time Straw overlooked the slur against his name. "Then why don't you and your sheriff find out who they are and where they are?"

Straw's voice was too loud. Judge Bates heard the door to room twelve open and he knew Ma Jacobson was on her way. He got lazily to his feet. Ma Jacobson reached the door.

"There's a lady behind you, sir," the judge said.

Straw turned. Judge Bates buried one hand in the seat of Straw's expensive trousers and heard cloth rip. His other hand came up and fastened not too gently on Straw's neck.

He lifted the man bodily, with Straw kicking and threshing and hollering. Ma Jacobson jumped back.

"With your permission, madam?"

"Kindly," Ma grunted.

Judge Bates carried the man to the head of the stairs. One heave, and Straw went sailing, hitting the steps with his wide rump. He bounced down into the lobby. The judge followed.

"Now get out, for good."

Straw said, "You'll pay for this," and doubled his fists. The judge started for him, and Straw turned and ran out. He got his horse and hurriedly left town. Judge Bates, puffing, climbed the stairs to where Ma Jacobson and Tobacco stood, both of them smiling.

"You beat me to it, pard."

The judge sucked in his breath. "Not as young as I once was," he apologized. "I'm sorry for this,

madam. But I take it you have no love for these railroad officials, either."

"Not a bit, judge. But my patients—"

Tobacco went back to their room. Judge Bates put his arm around Ma's ample waist. Tobacco, head out the door, watched.

Ma said, "Now, Judge. . . ."

Tobacco winked.

CHAPTER 17

The railway depot-agent was about sixty, wiry and thin. He stared up at Judge Bates, his eyes belligerent. He slipped the ear-phone off a head shaped like a muskmelon.

"Whatduhyuh want?"

Judge Bates put his jug on the counter. "Take a drink, friend?"

"Like fun I will. You're prob'ly one of these railroad dicks. You want me to drink so you can can me an' I won't get my pension ten years from now."

"Ten years from now, with your cranky disposition, you won't even be on top the sod, friend."

The short man slipped out of his chair. "Who do you think you are, anyway, to come in here—" He looked down at the telegram the judge was writing. When he saw the signature, "Judge Lemanuel Bates," his anger changed to a wide frown of enlightenment.

"Judge Bates, huh? Man, I've heered a lot about you. Lemme shake your hand for straightin' up young Nero Bucklin an' cleanin' up that crooked legal outfit up in Post Hole Basin some time back. I knowed young Nero when he was just a button, right afore you an' your partner adopted him."

"Well, I swah."

They shook hands. "Pinken is the name, Jedge." The agent glanced around cautiously. "Don't see nobody on the platform, does you?"

"Nobody there."

Pinken drank. He drank as though his life depended on it. "That," he finally said, "is sure fine whiskey."

"Brewed in my own jail," Judge Bates said.

Pinken laughed. "Brewed in jail, eh? That's a good one, Judge Bates. Say, don't register at the hotel; it's just a flophouse. I got a shack on the edge of town. I'd sure be tickled to have you as my guest."

The judge told him he didn't expect to be in the burg long. He thanked Pinken and set about working on another bit of the telegram. Pinken kept saying, "Well, bless my socks, Judge Lemanuel Bates, in the flesh. Judge, if'n it weren't for honest, good-hearted men like you on the bench, the big-wigs would have us poor folks all the time in their clutches— It's only honest men like you—"

"Send this off, please."

"Sure thing, Your Honor."

Pinken read aloud as he tapped his key.

Diamond Willow, Territory of Wyoming.

Pinken glanced up. "You goin' to date this, Your Honor?"

"The date is irrelevant."

Pinken read further.

*Michael Nicholas O'Reilly,
Federal Land Office,
Cheyenne, Wyoming.*

Friend Irishman,

*Who owns most of the land in Sagebrush
Flats, County of Stirrup, Territory of Wyo-
ming? (Wyoming is the territory you are land
agent over!)*

Return answer pronto!

Judge Lem Bates

Pinken leaned back. "That's it, Your Honor."

By this time, Judge Bates was behind the desk, sitting in the small office with its smells of stale paper and cigar-smoke. Pinken was turned in his swivel chair, and now and then they took a swig out of the jug, placing it in a small shelf, where it would be

hidden if anybody came in.

Pinken kept up a line of conversation. Now and then he turned and took some train orders.

Thirty minutes later, a return wire came:

*Judge Whiskey Bates,
Diamond Willow, Wyoming.*

Dear Jug-Toter,

Sagebrush Flats ownership changed one month ago today. Now owned by one Jeremiah Boyson, Attorney at Law, Gates Building, Kansas City, Missouri.

Next time wire a drink.

O'Reilly.

The judge scowled, "Take another wire."

Pinken rapped it out while the judge dictated.

Irish,

Who owned Sagebrush Flats prior to transfer of title to said attorney? Buy yourself a drink instead of mooching one!

Bates.

Again, another wait. Again, garrulous talk from Pinken. Again, the key, dot, dot, dash, dot.

Pinken took down the message.

Dear Judge,

Cannot reveal name of seller. Against federal law. Sorry. Thanks for the drink.

O'Reilly.

Judge Bates scowled. "That two-bit politician. Take another message, friend."

Irish,

Federal judge asks that you break federal law. Loosen in the saddle, Irish. Send name of former owner. Otherwise, no drink next time we meet.

Bates.

Again, Pinken's slim finger on the key. Again, another wait, more talk. Again, a return telegram.

Bates, Sorry, no can do.

O'Reilly.

Judge Lemanuel Bates smashed his hand down on the arm of his chair. "Take this, Mr. Perkins!" The depot-agent was frowning in puzzlement.

You Irish peasant,

Federal judge demands you break federal law. Otherwise federal judge will break federal land agent's jaw.

Come out, friend, or there'll be a new agent on your high-paid job.

And two drinks, when and if we meet.

Bates.

Finally the return came.

You Bench Warmer,

Federal law broken. Former owner was James Summers, address, Sagebrush Flats, Territory of Wyoming.

This title transfer always did seem phoney to me. Will look forward to those drinks and will not taste whiskey until I get them.

O'Reilly.

Judge Lemanuel Bates re-read the telegram and smiled. "He won't *taste* whiskey, Pinkens. I mind he never has tasted it; he drinks it too fast to get any taste out of it."

"I don't savvy all this," the agent ventured.

"Me, I don't savvy it myself."

Pinken got off shift inside of an hour. He was feeling pretty foxy with so much whiskey in him, but the judge was his usual self. He had decided to spend the night in town, for his mule was tired, and he wasn't too fresh himself.

Pinken made Bates stay with him.

That night, in bed, Judge Bates put his hands behind his head, and regarded a ceiling he could not see because of darkness. A gent named James Summers had recently transferred title of Sagebrush Flats to a lawyer in Kansas City named Jeremiah Boyson.

He did not know James Summers. He had heard

a little about Lawyer Jeremiah Boyson, though, and that little had not been refreshing.

But maybe Tobacco Jones, up in Sagebrush Flats by this time, would fine out something. From all indications, his ride to this town had been worthless. Still, it might tie in with something Tobacco would unearth up north.

He went to sleep, thinking of Tobacco, who had reached Sagebrush Flats that night, his mule plodding and tired. There was a trading-post in about the middle of the long, narrow piece of worthless land that went under the name of Sagebrush Flats. A sod building, consisting of about six rooms.

He had eaten supper there. The post was run by a fat, easygoing trader, who had a fat, easygoing squaw to wife. The store was crowded with furs, bridles, bits, an occasional saddle or two. Steel traps hung from hooks on the walls. The air had the odor of prunes and the other commodities that gave flavor to a frontier trading post.

"Ain't seen a man for some days," the trader said.

The Cowtrail postmaster had been in the act of lowering his head to consume a hunk of pemmican impaled on the bent tines of a tin fork. He regarded the trader for a moment.

"No men around here, huh?"

"Just see a buck Cheyenne now and then. Every

onct in a while a gent drifts through, loaded down with hardware an' kinda cagey. Me, I never ask them no questions. Most of my trade is with the Injuns."

"Heard tell back yonder there was a cow outfit in here. I was lookin' for a job ridin', too."

"Mule ain't no good for hazin' stock."

But Tobacco Jones was not there to engage in conversation anent the good and bad qualities of mules as cow-ponies. "That cow outfit pull out?"

"So I reckon. Run by a man named Jim Summers, it were. He hit some hard feed periods an' they cut his cow herd down—lots of them starved. We've had about ten years of no rain in this section."

"So Summers pulled out, huh?"

"Well, he's still got some cows, back in the brush. He run the Box 8 iron. About two months ago—mebbe longer—him an' his riders drifted out. He had four men punchin' fer him, too."

"Ranch deserted, now."

"They's an old fellow—half-breed—who camps there, just keepin' eye on things, so the bucks don't cart everything away."

"That puts me outa a job," Tobacco said. "Guess I'll just drift through an' go up north. Somebody tol' me this fellow owned this basin, too."

"That right," the squaw said.

The old trader said, "Get back into your kitchen, woman! Don't go botherin' men whilst they is consumin' vittles!" He threw a tin cup at her.

Evidently the squaw was a good dodger, or else he was a poor thrower. Anyway, the cup missed. She waddled back into the kitchen.

"Yeah, Jim Summers owned this basin. Bought it up as marginal land, or somethin' like that. Reckon he paid all of fifty dollars for the whole shebang." He stowed away a piece of bread, folding it into his mouth accordion-fashion. "But Summers sure got stuck."

Evidently the old man did not know about the Great Western railroad building into Rawhide.

"Been some fellers goin' through here lately with a buggy, stranger. Seen 'em down on the flats the other day. They was lookin' through some kind of a spy-glass, 'peared to me. I rid down there hell-for-horseshoes, but they wouldn't tell me what they was doin'."

"What do you figger they was doin'?"

The grzzled head shook, the jowls wobbled. "Me, I look for Injun trouble. I figger them hombres was army men. They had on some kinda uniforms, too—they was wide acrost the beam in the pants, just like army clothes, an' they wasn't no legs on 'em, they was so pinched in. Funny thing, too. They tell me the

navy pants ain't got no beam but is all legs. Looks to me like . . ."

Tobacco let the man ramble. He had no interest in either the apparel of the army or navy. Evidently the trader had encountered some surveyors for the Great Western Railroad, and they had refused to tell him their business on Sagebrush Flats. He paid for his meal and said, "Reckon I'll drift, hombre."

Eyes regarded him from behind rolls of fat. "You don't look like a rider on the dodge, fella."

Tobacco smiled. "I ain't."

"They all tell me that, fella."

The rest had put a little life in the mule. He came upon the Box 8 outfit in the dark. A log house set on a flat, and when he came around the corner of a corral a harsh voice said, "Who rides there?"

Tobacco pulled rein. "A stranger," he said.

"Stand where you are an' forget your guns."

This was a tough outfit . . . a guard out.

The guard came through the darkness. Tobacco saw his rifle. The man stopped about ten feet away. "State your business."

"I'm ridin' through. Lookin' for a job punchin' cows. Is there a law ag'in that, fella?"

"We ain't hirin' no punchers."

Tobacco pointed out that his mule was tired. He hinted that common range decency should insure a

chance to flop at the ranch and rest his mount. The man studied him.

“All right, come in.”

They took the mule into the barn. “Ain’t got much feed. No grass much aroun’ here. Cut some buckbrush hay down along the gulch. Your mule’ll have to eat that. Nobody but a damn’ fool would ride a mule, nohow.”

“When I left the last place, I grabbed the closest piece of four-legged flesh. It happened to be this mule, but he got me outa town.”

“You sound all right.”

They went into the house. By this time the man had lost his vigilance. He lit a candle, and the feeble light showed bare walls, rough with mortar in the cracks of the logs.

The furniture—such as it was—was made of native willow, hammered together with wooden pegs. A door led to what Tobacco guessed would be sleeping quarters. The man was short and heavy-set, and his high cheekbones and coffee-colored skin showed his half-breed blood.

“Hungry?”

“Et back at the post. Trader there said there might be a ridin’ job for me here. Said I was to see Jim Summers.”

“Jim is gone. Him an’ the four boys went with

hosses a month or so ago, maybe longer. Don't ask me where he has gone, either."

Tobacco grinned.

"You got a bottle?"

"Out on my saddle."

Tobacco had bought a bottle back at the trading-post.

"I'll go get it," Tobacco said.

"No, you set there. I'll get it."

The half-breed left. Tobacco, sure he was gone, darted into the hall. Three rooms were ahead of him, doors closed. He went into the first and lit a match. He doubted if the 'breed would see the flare through a window, for the rooms were on the back of the house.

Dirty riding-gear, piled in a heap; an old suitcase, opened. Bedding ruffled and disorderly. A washstand, a chair. That was all.

He figured the 'breed slept here.

He went into the next room, lit another match. It was in about the same disorder as the first. He jerked the drawers open on a bureau; they were empty. But time was running against him, and the half-breed should be back from the barn.

He glanced at the third door, but knew he would not have time to search that room. He hurried back to the living room, hoping the 'breed had not re-

turned. He beat the man by a few seconds.

The half-breed's dark eyes lighted at sight of the full pint. "Heck, you ain't busted the seal yet." He held up the bottle to the light. "Ol' Crow, eh?" His dirty fingernail cut through the seal,

"Have a drink, stranger."

Tobacco told him no. He had had too much to drink lately, and he had a hangover. The 'breed chuckled and raised the bottle.

"Only thing to do with a hangover, son, is to foundation another drunk on top of it. Take a snort?"

Tobacco shook his head.

The 'breed got a little talkative, but not much. Tobacco got him talking about Jim Summers. Summers, he learned, was a big man, who invariably wore dirty clothes. "He's always filthy. Dirtier'n even me. But this is a womanless camp."

Tobacco realized he was learning absolutely nothing. He didn't like the 'breed's company, either. He was afraid that firewater would bring out the Indian in him and he'd want to fight.

But, here he erred. For the guard got happy and then sleepy. Around midnight he said, "You take that second room. My room is the first. I sleep light, stranger, remember that."

"Don't need to worry about me, friend."

Tobacco did not undress. He sat gingerly on the edge of the dirty bed. But first, he searched the room again. He found nothing. He didn't, in fact, know what he had expected to find.

His ride up, he thought, had been useless.

Finally he heard the guard snoring.

He waited for half an hour. Down at the corral, a bronc neighed. When he was certain the guard was sound asleep, he tiptoed into the next room, carrying his boots. He shut the door and lit a match.

This room, for a change, was fairly clean. The bed was made up, but a film of dust across it told him the covers had lain undisturbed for sometime. A hairbrush and comb laid on the dresser.

He opened the drawers. Shirts, some dirty, some clean, in the first. His match burned out and he stood silent, listening. Only the sound of the wind in the eaves.

He lit another match. He opened another drawer.

More clothing, nothing else. Another match, and another drawer—the bottom drawer. Some papers in here—letters, old newspapers. Down in the bottom was a photograph.

His match went out, he listened again. Only the wind. He opened the portrait's folder and lit another match.

A man and a woman, evidently a wedding picture.

The woman was middle-aged, evidently older than the man. He looked at the man's face closely.

His match burned his fingers.

He dropped it, almost swearing. Then, carrying his boots and the picture, he tiptoed back to his room, but the door closed with a small noise. Hurriedly he put the picture under the bedding.

He heard the 'breed stir, heard him come into the hall. The man entered his room. "You walkin' aroun'?"

"Had to go outside. A man with my kidneys has to do that often."

The 'breed stood, half-drunk, watching him. "You get in bed an' stay there." He turned to leave.

He was only a few feet away. Tobacco's gun and gun-belt hung over the bedpillow. The gun rose and the 'breed grunted, slipping down on his face.

The postmaster jammed on his boots, stepped over the guard, and got his mule. He turned loose all the saddle-horses, hazing them ahead of him, leaving the guard on foot. He carried the picture under his coat.

He headed for Wild Horse, many miles away. About ten miles from the Box 8, he went down, lit a match, and studied the portrait again, looking hard at the man. It had been taken about five years before, the date on the back said. Of course, the man

was dressed up.

He remembered that the guard had said Summers had once had a wife. But she left him within a few months after their marriage. The woman was evidently Summers' wife. The man, he figured, was Summers.

He rode on, getting his mule to a lope.

CHAPTER 18

When Judge Lemanuel Bates returned to Wild Horse town, both he and his mule were dog-tired. He racked the mule in the livery-barn, noticing that Tobacco's mule was not in a stall.

That meant his partner was still out of town.

Momentary fear pulled at the judge. But he stifled this under the reassuring thought that Tobacco had had the longer of the two rides. He went to the hotel. Ma Jacobson had her head on the desk in the lobby. Trudy stood beside the fireplace, and she only nodded when he came in. Usually she greeted him warmly.

Mrs. Jacobson looked up, eyes red.

"What's the matter, Minnie?"

Ma Jacobson lowered her head. Sobs shook her wide shoulders. She had no answer.

"I'm goin' to get married," Trudy said. "I just told her."

"My girl is leaving me," Ma sobbed.

Judge Bates looked at Trudy. "This is sort of sudden, girl. I haven't even proposed to you yet."

"I'm not marryin' you. I'm marryin' Sol Winters."

The jurist went to his room and washed and shaved. He had enough troubles without listening to Ma Jacobson's woes.

He went to the jail. Sheriff Will Brown sat in his chair, a deputy seated on the floor.

"This ol' Ma Jacobson has been tryin to get me to run Sol Winters outa town, Bates. I tol' her that the law didn't care who her girl hooked up with. Where you an' Jones been? We figured mebbe you'd pulled out for good."

"We always return."

Sheriff Brown sighed. "This jail has been in a mess, Bates. When them cowmen got done fightin', they got drunk on One-Step's whiskey, an' now they're singin' songs, arms wrapped around t'other through the bars."

"I can't figger out where Connors gets that brew," the deputy said.

The judge went back into the bull-pen. Juanita slept on the floor, mouth open, snoring, and apparently dead drunk. Shorty Betton slept on the bunk, and Ross Frazier and Cy Montana sat on the floor, the bars between them, playing cards. Both bore

the marks of their fights.

One-Step sat on his bunk, his jail-door open. Mulligan, cooking on the stove, sent out a fragrant aroma.

Montana asked, "When we gonna get outa here?"

"You seem to be doing all right," the judge said. He beckoned One-Step into the back room. "What do you know, friend?"

"Not an iota, Your Honor. I plied them with whiskey and subtle questions. The drunker they got the more they disclaimed being engaged in this nefarious conduct taking place on this soil. And by chariot, I believe they are both innocent. But get them out of here, please. They break up the home the county is supporting for myself and Juanita."

"Everything has backpopped," the judge murmured.

One-Step filled his jug and the judge left. Again Montana and Frazier wanted to know when they would be freed. The judge ignored them.

Sheriff Brown said, "I figger we'll have to turn Frazier an' Montana an' Betton loose pronto, Bates."

"Hold your horses."

The judge spent a listless day. Ma Jacobson bawled continuously. The doctor told him he had

dismissed both of Ma's patients and they'd left town. The judge figured this had hit her harder than her daughter's announcement of her engagement.

He ate supper at the home of Judge Mackenzie. The jurist, by his own admission, had suffered a relapse. Yet, in the midst of his pain, he put question after question to Judge Bates.

"How close is this to a solution? Have you any clues?"

"Not a clue."

Judge Mackenzie winced. His back was worse. His wife helped him from the room. She came back and gushed out words that the jurist hardly heard. The judge was glad to leave. He met Lawyer Myers on the street.

"Where have you been, Your Honor?"

"Out looking for clues, Mr. Myers."

Myers stood under a street lamp. It flickered shadows across his face. "This is indeed a riddle, sir."

And how much, thought the judge, do you really know?

He slept, but his sleep was uncertain. The thought of Tobacco kept preying on his mind. But, around midnight, Tobacco came. He was dusty and tired. "My mule bent his ankle aroun' a rock. Lamed him.

That held me down."

"What did you find out?"

"This." The postmaster gave him the portrait. "That gent there is James Summers. He owns Sagebrush Flats. Hades, I've had a long ride. And found out nothin', 'cept that picture."

"That," said the judge firmly, "was enough."

He told about the fruits of his ride to Diamond Willow. "For some reason, Summers recently transferred the title of Sagebrush Flats to one attorney at law Jeremiah Boyson, of Kansas City, Missouri. I have found out that Lawyer Boyson is dealing with the railroad officials to sell Sagebrush Flats."

Tobacco nodded.

"Get the reason for the transfer?"

"Sure. Jim Summers doesn't want to deal directly; the railroad will get wise to who he is, and why he's in Broomtail Basin. This Boyson shyster is the front for Summers. Together, if they can get the railroad up Sagebrush Flats, they can make a sum of dinero."

"That's the sum and substance, partner."

"Well, we know that much. When Summers left Sagebrush Flats, he took four of his riders—his whole crew—with him. Mind we saw four riders heading away from that dynamited reservoir, the

night we rid in. Them four was Summers' men."

"This clears Montana and Frazier, too."

"They might sue you for false arrest."

The judge told how Montana and Frazier were friends now. "They finally got together, talked over their troubles, and finally admitted each was a damn fool, so they buried the hatchet—aided by One-Step Connors' fine brew. When they hear this, they will be on our side, partner."

"I hope so."

"I know so. They have been under pressure for some months. Our information will alleviate that pressure. They will be happy to help us, not angry."

"I still hope so."

"Turn in and get some sleep. I am riding to the railhead at Rawhide. I am going to talk with the official there."

"That won't do you no good, Bates."

The judge got a fresh horse and headed toward Rawhide. About a mile out of town he said, "Tobacco's right," and he turned into the western hills. Dusk found him high in the timbered reaches.

A cold wind sang through pine and spruce. Once he saw a rider in the distance and he hid, watching the man. He lost him in a canyon below. He left his bronc there and went down into the canyon on foot.

Here it was very dark. He squatted, waiting. Finally, after going on a few rods, he could look around a ledge of rock. He caught a glimpse of a small fire. It took him two hours to work up to it.

The hideout was perfect. Surrounded by igneous boulders, four men squatted around the small fire, one cooking something in a skillet. A bronc got the jurist scent and snorted beyond the rocks.

"What was that?"

A boot kicked out the fire.

Judge Bates squatted, short-gun up. He was about forty feet from the men. Only the wind was heard. About ten minutes went by. The horse never snorted again.

"Maybe he sniffed a bobcat," a man said.

"Must've been that. Get the fire goin' again."

By this time, Judge Lemanuel Bates was retreating. He got his bronc and rode back to Wild Horse. Dawn found him riding into the town.

He went to their room. Tobacco still snored. The jurist did not awaken him; he went to the jail. He carried the portrait. His hammering awakened the sleepy jailer, who let him in and then climbed back between his soogans.

The jurist snagged the jailer's ring of keys and went into the bull-pen. Juanita slept on the floor,

snoring softly, a bottle beside him. One-Step sat up and said, "Bates, what'd you mean, sir, awakening me at this hour?"

"Crawl into bed, friend, and remain silent."

One-Step watched him owlshly. John Barleycorn was sitting on his lap.

The judge unlocked Ross Frazier's cell. The clang awakened the rancher, who sat up and rubbed his eyes.

"Lettin' us out, Bates?"

"Sure thing."

By this time, Shorty Betton and Cy Montana were awake. They slept with their clothes on, even to spurs. They stood in the cell and watched. "That means we get out too, Your Honor?" Montana asked.

Judge Bates nodded.

He got the three men in the bull-pen and had them squat in a circle. Facing them, he told about his ride into Diamond Willow and its results, told about Tobacco Jones' long trek into Sagebrush Flats.

He told about the night-ride he'd just finished, and the four riders back there in the rough country.

"Where does this tie us in?" Cy Montana wanted to know.

The judge did not answer that right off. "You

men are friends now. I put you in jail for two reasons: one, to keep you out of our way; two, to see if you wouldn't patch up a friendship wrecked over a danged silly calf and a mistake."

Ross Frazier showed a crooked grin. "We've done made up. Your Honor. I'm glad you jugged us."

"Much as I hate to say it," Cy Montana grunted, "it was the best for us, Your Honor."

Shorty Betton smiled. One-Step watched, eyes wide. Juanita kept on snoring softly.

The judge impressed them with the fact that, if they banded and raised the price of the railroad's grade too high, the Great Western would go up through Sagebrush Flats, he figured.

"We'll do that," Frazier said.

"You say this Summers gent is down here on Broomtail, makin' all this trouble, eh? Well, he can have the railroad through Sagebrush Flats, like he wants. We don't care where it runs, just so it doesn't cross Broomtail Basin. We don't care what becomes of Summers, Judge Bates."

"He hasn't harmed us," Frazier said.

Judge Bates saw the logic in their remarks. "A few days ago, a man died here in town. Died despite the doctor's medical attention. That man had

been slugged over the head. He never regained consciousness. He died silently."

They listened.

"That man has a little girl back in St. Louis. By now, she knows her father is dead, murdered because of greed and a man's lust for money. A week ago, she played with her school chums in the school yard; she talked of her daddy and she hoped her daddy would send for her, so she could come to Wild Horse and have a pony."

"Dammit," Cy Montana growled.

Ross Frazier was silent, listening. So was Shorty Betton.

"Now that same little girl is crying. Now this guard, as a friend, didn't mean anything to us. But he was a man with a man's responsibilities. He broke the laws that you and I have made and which I enforce. He might not have slugged that guard, but one of his four men did, and he is their boss. I demand you help me bring him to justice."

"I'm with you, Your Honor."

"My gun is yours, Judge Bates."

Shorty Betton said, "I'm in this, till the finish, Your Honor."

Judge Bates cleared his throat. "Thanks, my good friends. Now my plan is this. One of you ride

out and keep guard on that dirt-camp. That leaves four of us—my partner, two of you, and myself—to watch those four men out in the badlands.”

“But who is this James Summers?” Ross Frazier wanted to know.

Judge Bates took the portrait from under his coat. It passed from hand to hand, and faces grew grim with surprise. At last it came to Shorty Betton.

“That’s—that’s Jocky Smith,” the cowboy said.

CHAPTER 19

So Shorty Betton rode out to watch the dirt-camp, out at the reservoir, and Judge Lemanuel Bates and Tobacco Jones and Ross Frazier and Cy Montana took to the hills, watching the hide-away camp.

They did not ride out in a body. Perhaps Jocky Smith might have had a spy in Wild Horse and this spy—or perchance Jocky Smith himself—might have seen them ride away and therefore become suspicious and trail them.

They did not take Sheriff Will Brown.

“He’d just get in the way,” Tobacco said.

That summed up their regard for the lawman. First, Ross Frazier left, seemingly heading for his Bar S iron; twenty minutes later, Shorty Betton and Cy Montana rode out of Wild Horse, presumably going for the big Cross H.

Judge Bates and Tobacco rode south. On leaving town Lawyer Del Myers, standing on the sidewalk,

asked, "Where you heading, sirs?" and the judge said they were leaving, for good.

"That will put Judge Mackenzie in a bad light, even if I must say it, Your Honor."

"Not half as bad as he left me. Term of court is over. Good day, sir."

He knew that soon would word go around that Judge Bates, for the first time in his judicial career, had faced a problem too immense for him and was back-tracking. And at this a smile broke the jurist's gloomy countenance.

"Let 'em talk," Tobacco grumbled.

"We'll be back," the jurist promised.

Tobacco, always the more pessimistic, said sourly, "Maybe . . . Bates. Them hellions ain't goin' surrender peacefully. They'll fit it out, I reckon."

"Be more cheerful, friend."

They joined forces with Montana and Frazier at their designated meeting spot, out in the hills. Each man packed chuck and extra ammunition secured in Wild Horse before he had left that cow-town.

They made camp back in the crags. Here the wind seemed relentless, trying in vain endeavor to blow away the rocks. Gnarled trees bent under its strong push, but big boulders broke it from the camp.

They were about three miles from the camp of Jocky Smith's riders, and they were higher above

them. They dared not light a fire for fear the thin smoke would betray their presence and their position. They had canned beans and bread and they opened cans with jack-knives.

They took turns watching the camp. There in the rocks, a man always watched, marking the movements of the unsuspecting men below them. A night went by, then a day, and another day.

"By this time," Montana said, "that reservoir should be almost banked up again, I'd say."

"By this time," Ross Frazier said, "it should be ripe for another explosion."

Cy Montana rubbed his unshaven jaw. They were a tough-looking bunch—whiskery, unwashed, dirty. And cold from the night and its chill. Warm during days when they lay in the rocks away from the wind with the sun washing over them.

Tobacco said, "I've lived in better hotels."

There was no laughter. The statement should have held mirth; strangely, it didn't. Ross Frazier said, "Here comes His Honor."

Judge Bates dismounted. "They're still there. All four of them."

Frazier went for his bronc. "My shift," he said.

The judge was restless. Tobacco squatted, chewing fine-cut, and watched his partner. He knew what was bothering the judge. Judge Bates wanted to get

back to Cowtrail. He wanted to slide into the old schedule: strolls to his office for naps, talks with Sheriff Whiting and other old cronies, a pinochle game in the Bucket of Blood, a good bath and clean clothes and the comfort of his home.

"That Judge Mackenzie," the jurist said quietly.

"Curse him for me, too."

Down there in Wild Horse, Judge Hostetler Mackenzie was probably walking around the house, his wife on guard at a window to see if anybody was coming up the walk. And the minute a person started in the gate, back Judge Mackenzie would go to his easy-chair or his bed.

"I ought to twist his carcass around, gentlemen, until he can nibble at his heels. I should put a kink in his back so big he could sit on his chest."

"Robinson Crusoe did that," Tobacco said. "He got on the beach, then sat on his chest."

"When Shakespeare wrote that," Cy Montana said, "he meant Crusoe's trunk, Tobacco."

Tobacco saw the joke had completely missed Montana. He winked at the judge. "Shakespeare . . . he gets blamed for everything."

"Who wrote it then?" the judge demanded.

Tobacco scowled. "Daniel Webster."

He was serious. The judge dropped the conversation right there.

And still, another day slid by. Another night.

They could sit there and watch the riders and the rigs down on Broomtail Basin. Far in the distance they could see the dust left by the teams and fresnos as they pulled soil into the reservoir's fill.

"Chuck's runnin' low," Ross Frazier said.

Cy Montana was on guard at the hide-out camp.

The judge rubbed his jaw. "I feel like Santa Claus. What I wouldn't give for a shave and haircut and a bath and clean clothes."

Tobacco smiled. "I'd even like to see Ma Jacobson. Wonder if the ol' heifer is through bawlin' over Trudy." He grew reflective. "I'd sure like to be this Sol Winters button."

"She's got a temper," Frazier warned. "I wonder where my wife thinks I am. I'll bet she thinks I jumped jail an' flew the coop. Cy's woman an' girl will be worried too. Nice girl, Cy has."

"Nice they ain't no skirts worried about us," Tobacco said.

The judge snorted. "Ma's worried over you, friend."

"Bates, lay off me. I'll warn you. I'm tetchy."

Ross Frazier winked at the jurist. Judge Bates leaned back against a rock so the wind wouldn't hit him. The sun was warm here out of the wind. He dozed. He kept dreaming of soft beds, plenty of

hot water, and lather and a razor.

Somebody said, "Here comes Shorty Betton."

Judge Bates' eyes jerked open. Ross Frazier had spoken. Tobacco, who had been stretched out, evidently asleep, came to his feet quickly.

"Where, Ross?"

"Yonder, around that rock."

Tobacco peered, hand shading his eyes. "Sure enough, Bates, it's Shorty. His bronc is lathered, too."

"And yonder is another rider," Judge Bates said.

Ross Frazier put his field glasses on a rider down on the floor of Broomtail Basin. He handed them finally to Judge Bates.

"That's Jocky Smith, ain't it?"

The jurist adjusted the glasses. "That's he, sure enough. And he's heading for the gully where his four riders are gathered. Evidently he intends to take them on a raid tonight, or to give them orders."

Shorty Betton's bronc was tired. Lather hung from the port-chains of the bit and lather rimmed the edges of the heavy Navajo saddle-blanket. He dismounted and they squatted around him.

"Where's Cy?"

"Down watching the camp," the judge said.

Tobacco said, "He's seen you come in, Shorty. Here he comes now."

Montana rode in and went down and hunkered in the circle. "I saw Shorty come in. Saw a rider down below too. I put my glasses on him. He's Jocky Smith."

Tobacco said, "The time is ahead."

They were all stern-faced. They were all tense. They were all wondering how many of them would be alive within the next hour.

Judge Bates talked slowly. Shorty and Cy would come in from the west. Tobacco and Ross Frazier would go down the sides of the cut, hiding behind rocks and buckbrush as they advanced.

"That leaves the bottom of the gully open," Shorty said.

Judge Bates said he would take that. He wanted them to give him an additional five minutes to get below the men. They would now get their broncs and ride ahead, leave their cayuses in the rocks, and then go on foot.

"I'll probably, by rights, be the last one in the gully," the jurist said. "We want this thing air-tight. When I'm ready, I'll holler, 'Broomtail Basin,' and then we'll close in. Everything clear?"

Ross Frazier nodded.

"I savvy," Shorty said.

Cy Montana nodded.

"Clear with me," Tobacco said.

Judge Bates said, "Join all hands together, in front of us."

Five pair of hands came out into the middle of the circle. They folded in, one over the other, and five men bowed their heads. Judge Bates gave a short prayer, his voice heavy.

He prayed that they would all come out alive. He made it short and purposeful, and he prayed for a little girl, now on a train coming from St. Louis, Missouri.

Hands came back, became fists. Hands held rifles and short-guns. They went for their broncs. Tobacco put his arm around Judge Bates. He had pressure in his arm.

"Be careful, Judge."

Judge Lemanuel Bates had difficulty in swallowing.

CHAPTER 20

Hidden by buckbrush, moving from boulder to boulder, a man sneaked down the face of a declivity, carrying a rifle and packing a Colt .45. He was a squat man, heavy with middle-age, and his hand, gripping the rifle, had short, stubby fingers. By the time he reached the floor of the gully, he was breathing heavily from exertion and tension. He paused there, screened by buckbrush, and caught his breath.

Somewhere, up ahead of him, he could hear men talking; their voices were low and distant, and their words did not stand out—they ran together and were not recognizable.

He moved his leonine head to one side, the silver-buckle on his hat's jaw-straps rubbing his thick throat. He looked at his watch and calculated the time since he had left the rimrock camp.

Now was the time.

He leaned his Winchester .30-30 carefully against

a nearby rock, making sure it was within quick reach. He spread his legs wide, boots deep in the sand and shale; at this point the canyon was about fifteen feet wide. To get past him a man would have to ride him down or knock him out of the way with a bullet.

He put back his head, wet his lips.

"Broomtail Basin!"

The two words sounded loud in the narrow defile. They tossed from rock to rock, seeming to fill the air. And their results were hurried and bombastic.

From each side of the cut came the words, *"Broomtail Basin!"*

Those words had come from Tobacco Jones and Cowman Ross Frazier, who had come in from the sides.

"Broomtail Basin!"

That would be Cy Montana and his range-boss, Shorty Betton, coming in from behind the hide-away camp.

Up ahead, there sounded men moving, men darting, men running. And over it all came Jocky Smith's words, "Who's up there? Who's back of us, an' who's behin' us?"

"Judge Lemanuel Bates, down here in the gully. And my men have you surrounded. Give up and

walk out with your hands up high, you five hellions!"

"That's the deal," Tobacco's voice.

"We got you skunks," Cy Montana.

A man hollered, "Fight out of it, men, or it means jail for us!" That would be Jocky Smith.

A rifle spoke; lead ricocheted from rock. Short-guns joined in. But Judge Bates stood silent, always in reach of his rifle, and now his pistol was cradled in his chubby hand.

He could not see the men, because of the toe of the rock, jutting out into the gully. He heard horses rearing and the neigh of a frightened bronc came to him. Up ahead, hoofs ground into gravel.

He knew that this wouldn't last long. With such a closely tied trap, it couldn't last long.

"Two of 'em is gettin' away!" That was Tobacco Jones' holler. "They're headin down the gully Bates is down there—alone—"

Judge Bates spread his legs wider, glanced at his rifle. Now two men, riding low on their bronc's necks, swept around the jut of rock, roaring toward him. One was Jocky Smith.

The other man saw the judge, whipped a shot at him, and the judge heard its high whine before it splattered rock. He swung his pistol on the man but just then the rider's bronc stumbled over a rotted log. The bronc went down, his rider sliding ahead,

losing his gun.

Jocky Smith sent shot at him. He was low on his horse, riding Indian fashion, and Judge Bates, crouched a little glimpsed sand geyser ahead of him. He did not have time accurately to place his shot.

He saw the tip of Jocky Smith's left shoulder, showing above the bronc's mane, and he shot for this. He missed. He shot again, the horse bearing down on him. Then did Jocky Smith leave saddle.

He sprawled out, right boot catching momentarily in stirrup, but the boot jerked free, and Jocky Smith hit the soil. Judge Bates jumped hurriedly to one side and let the wild-eyed horse thunder by and go down the canyon.

Smith had dropped his short-gun. He rolled over with a sickening crash, got to his knees. He tried to creep for the gun, about ten feet away. He could use only his right hand.

Judge Bates said, "Stop moving."

The other raider sat down, watching, his hands high. Plainly he was out of the fight. Jocky Smith kept creeping toward his gun. Judge Bates placed a bullet in front of him. It kicked sand and dust back against Jocky Smith's face and chest.

Smith stopped, lay on his belly. "You're the boss, Bates," he said wickedly.

Two days later Judge Bates sentenced the five

Box 8 men.

People came for miles to listen to their trials. Dirt-men at the railroad camp and the reservoir came in rigs to watch. Even the railroad big-wigs were there. Judge Hostetler Mackenzie and his wife came, the judge using a cane. Once Tobacco Jones noticed the judge forgot to lean on the cane.

Attorney Del Myers was to defend the five raiders. He had protested, claiming, on his rights as county attorney, he should prosecute the five. But Judge Bates said he needed no prosecutor for the county. He had all the evidence he wanted. There was no other attorney in town and the prisoners had to have an attorney.

Myers had grudgingly promised.

Judge Lemanuel Bates waited until the courthouse was full. Then, always a man for drama, he entered from his anteroom, garbed in his black robe. He took his seat, intoned that court was in order, and rapped with his gavel.

"We have, fellow voters and citizens, before us five men who are charged with disturbing the community peace, with wilful destruction of community property, with turning against and firing upon your fellow citizens, designated and sworn in as lawful deputies by this judge and this court."

People listened; the courtroom was still. Jocky

Smith, left arm in a sling, sat with his men, all of whom were more or less roughed up, one with a broken arm. They were a tough-looking bunch, but the steam had been knocked out of them.

The judge glanced at Tobacco Jones, who sat with Cy Montana and Shorty Betton and big Ross Frazier. Montana had a bandage around his head and Frazier had his left leg bound up tightly.

He looked beyond his partner to where Ma Jacobson sat, with Trudy and her intended husband beside her. He ran his gaze over the assembled dirt-men and the railroad officials.

"God, in His merciful way, has commissioned me to prosecute these men, and to pronounce sentence on them. Up to a few hours ago, each had intended to plead innocent of these charges, but now, their attorney tells me, they have changed their minds, and wish to plead guilty."

Attorney Del Myers said, "That is correct, Your Honor."

"Therefore, with these pleas before me, I have only one recourse, and that is to sentence these men. Bailiff, lead forth Bob Bartlett."

Bartlett was a thin, nervous man of about forty. He stood before the bench, hands clasping and unclasping.

"Mr. Robert Bartlett?"

"I'm him, Your Honor."

Judge Bates glanced at the paper before him. He tolled off the charges against the man.

"I am guilty of each, Your Honor."

Judge Bates sentenced him to five years at the territorial penitentiary. Before him came Mike O'Shane, a heavy-set Irishman. He also drew five years. And so did Will MacAdams and Joe Trotter.

"The next prisoner, bailiff."

The bailiff led forward Jocky Smith and said, "Stand here, prisoner." The bailiff returned to his chair.

Judge Bates let the silence grow. Jocky Smith looked at him and then looked down at the floor. The courtroom was very quiet.

"Your name sir?"

"James Summers."

Judge Bates cleared his throat.

He read the charges to which Summers had confessed. They contained all the charges the others had admitted, and to these was added one word: *Murder*.

"You confess, prisoner, to having your riders blow up the reservoir?"

"I do."

"You confess, also, to slugging the guard—out at the reservoir—and this led to this guard's death?"

"I do . . . Your Honor."

"You confess that you ordered two of your men to blow up the wagon carrying supplies to your workers, who thought all the time you were their friend and protector?"

"Lynch him," a man said in the audience.

Judge Bates pounded with his gavel. He looked at the crowd. "I am the man who deals out justice, audience. One more word like that and I will clear this court. That is understood, I hope."

Silence was his answer.

"You commissioned one of your raiders to call the other by the name of 'Shorty', thereby seeking to lay the blame on one Shorty Betton?"

Summers nodded.

"Speak up, prisoner. Yes or no."

"Yes, Your Honor."

"You have other confessions here on this list. You admit sneaking back into your office in town—the office maintained by the railroad—and setting dynamite in it, with a slow fuse, and blowing it up, making it look like the work of either Cy Montana or Ross Frazier.

"You confess other nefarious deeds. You sneaked out, placed a slow fuse and dynamite into the well-casing, after slugging the guard. Then you hurried back to your camp, and you were there when the ex-

plosion occurred.

"You burned a tent in your camp, endeavoring to put the blame on either Montana or Mr. Frazier.

"You confess to sneaking ahead of myself and my partner, Mr. Tobacco Jones, and placing an ambush shot over our heads to attempt to scare us out of Broomtail Basin. You transferred the title of your land in Sagebrush Flats to one attorney at law Jeremiah Boyson so he could deal openly with Great Western officials while you pilfered and wrecked ruin in order to make the railroad go through land you wanted to sell, land that proved worthless to you. Do you plead guilty to all those charges?"

"I do, Your Honor." Summers' voice was low.

Judge Bates looked out over the crowd. Pity for the beaten man went through him, and then he remembered a little girl who had recently reached Wild Horse from St. Louis; a little girl who had sobbed in his office and whom he had comforted.

He glanced at his watch on his bench. "By now, federal authorities are closing in on Attorney Boyson. By now, perchance, your hold on Sagebrush Flats is being sold to the Great Western railroad. I have so ordered it, for I found in this exchange of title a clause that violated the Federal Homestead Act.

"The Great Western Railway is going north

through Sagebrush Flats. The money received for payment for what used to be your lands, prisoner, is to be put into a St. Louis bank, there to establish a trust fund for one Miss Lucille Brenner, whose father died, by your own admission, under the barrel of your gun."

The crowd listened.

Again Judge Lemanuel Bates cleared his throat. "By order of Territorial statutes, murder—murder in the first degree—is, in the Territory of Wyoming, punishable by hanging."

Summers' face was pale. Attorney Myers moved forward to help him stand. Summers got his strength, pushed the attorney back. Myers returned to his seat.

"My office requires I so sentence you, prisoner. But"—Judge Lem Bates held up a pudgy hand—"I am, as you know, never one to stick to the strict interpretation of the law of the land. I have never reconciled my theory of punishment with that of capital punishment, as demanded by the Territory in your case.

"I firmly believe that capital punishment is wrong. It is a barbarous, uncivilized method of punishment. The victim is put out of his misery, and I believe he should live and suffer behind bars forever. He should be made to remember his crime and seek some atonement during his life and ask his God and his Con-

science for forgiveness. This he cannot, of course, do, if he is dead.

"Therefore, in the light of these conclusions, I openly violate Territorial statutes, prisoner. I sentence you to life imprisonment at the Territorial Penitentiary. I specifically state in my sentence that you may never come up before the prison board for pardon or parole."

Color returned to James Summers' face.

"Have you any statement, prisoner?"

"I have . . . none."

"Immediately after this court is recessed, I hereby commission Sheriff Will Brown, aided and abetted by his deputies, to start for the railroad at Diamond Willow, there to take the train and transport these prisoners to the Territorial Penitentiary. Sheriff Brown, escort the prisoners to their cells."

The court stood up, silent, as the prisoners passed by to go out the side door. The courtroom occupants also stood up.

The last prisoner filed through. Judge Bates pounded with his gavel. "Court is dismissed."

The courtroom came to life. Judge Hostetler Mackenzie, forgetting his cane in his excitement, came forward and grasped the judge's right hand.

"A wonderful verdict, Your Honor. This verdict will go down in the history of law annals—it will be

repeated and looked up to and admired—”

Judge Bates lifted his left hand and pushed hard against Judge Mackenzie's thin face. The blow sent the judge reeling back, and he fell over a chair. A man bent to help Judge Mackenzie, and Judge Bates said, “Don't pick up the four-flusher. Now he has reason to use a cane.”

Mackenzie hollered something about bringing suit. Judge Bates turned. “I'll have you off this bench,” he said angrily. “Already I've started proceedings at the Governor's office. You'll never sit on another bench again in Wyoming, sir.”

The judge went into his chambers and doffed his robe. Tobacco and Mr. Straw came in. Straw shook hands, openly apologetic; he and the judge drank.

“I'll see that a fair price is paid for Sagebrush Flats, Your Honor. I'll see that every cent goes to the little girl.”

“I'll be watching you, sir.”

Straw didn't like that. He said good-day and walked out.

An hour later, the partners left Wild Horse. People stood on the sidewalk and cheered as they rode out on their mules. Cy Montana and Ross Frazier and Shorty Betton rode ahead of them, giving them a guard of honor.

Ma Jacobson ran out, and they stopped. The

judge kissed her. Trudy had followed with her future husband. Tobacco shifted his chew and looked at the young man.

"How about it, fella?"

Tobacco kissed Trudy. Her lips clung to his; she'd had practice. He said, "Oh, my; oh, my."

"My turn, daughter."

Tobacco almost winced, but the judge's wink stopped the gesture. He bent down and kissed Ma on the lips. They clung, too, but not like Trudy's.

"Oh, my." Only one "Oh, my," though.

They reached the end of the street. Frazier and Montana and Shorty shook hands with them and rode back. They were opposite the jail.

"Now for home an' Cowtrail," Tobacco said.

Somebody said, "So long, gents."

Juanita had his head out a window in Sheriff Brown's office.

"There's One-Step," Tobacco said.

One-Step Connors had his head out another window. He blew them a kiss. "*Bonjour*," he said.

THE END

